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LEGISLATIVE-EXECUTIVE RELATIONSHIPS

IN THE
GOVERNMENT OF THE UNITED STATES



A SERIES OF LECTURES
JANUARY TO JUNE, 1953

U. S. DEPARTMENT OF AGRICULTURE
GRADUATE SCHOOL

The William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration

In recognition of the service of William A. Jump and I. Thomas McKillop to the Department of Agriculture and their contributions to the development of public administration in the United States, the Graduate School in 1952 established the William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration.

WILLIAM ASHBY JUMP

William A. Jump, who died on January 22, 1949, had been Department Budget Officer since the creation of that position in 1922, and Director of Finance since 1934 when the Office of Budget and Finance was established. His entire career was devoted to public service in the United States Department of Agriculture. In 1947, the Department, in recognition of his outstanding contributions, presented him with a Distinguished Service Award.

Mr. Jump was an outstanding leader in and out of the Federal Government in the field of public administration. Perhaps more than any other man in his lifetime, he influenced the development of modern budgetary and management concepts and the application of these concepts to the formulation and administration of Federal programs. In 1939-40, he served as a member of a subcommittee of the President's Committee on Civil Service Improvement. He was one of a group which founded the American Society for Public Administration. After the war, he contributed to the organization of the Food and Agriculture Organization of the United Nations, and in 1947-48 was United States representative on the five-nation Subcommittee on Finance. He participated in the establishment of the United States Department of Agriculture Graduate School and taught in the School for many years, and was a guest lecturer on public administration in many of the leading colleges and universities in the country.

I. THOMAS MCKILLOP

I. Thomas McKillop was killed at the age of 38 in an airplane accident on June 30, 1951. During his short span of years he was an educator, a private management consultant, and a public servant. Born in Scotland, he was educated in America. He joined the staff of the Rural Electrification Administration in 1947 as an Industrial Engineer and later was made Chief of the Management Division. In the Rural Electrification Administration his work was based on agency's philosophy of helping rural people help themselves. Mr. McKillop brought to public administration the philosophy of scientific management, of which he had profound understanding, yet in the execution of his daily tasks he always considered the rights of individuals. His contribution to public administration stemmed from a rare combination of native ability, management proficiency and belief in human values. Mr. McKillop was a leader in the Graduate School's public administration program and one of its most successful teachers.

LECTURE COMMITTEE, 1953

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LEGISLATIVE-EXECUTIVE
RELATIONSHIPS

IN THE
GOVERNMENT OF THE
UNITED STATES

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THE WILLIAM A. JUMP—I. THOMAS MCKILLOP
Memorial Lectures in Public Administration
1953

Edited by O. B. Conaway, Jr.



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PREFACE

THE "SEPARATION" of powers in the Government of the United States has made legislative-executive relationships an important part of our politics. Construction of relationships between the Legislative and Executive Branches that facilitate the agreement necessary to effective government is political work of a high order. When one considers how difficult it has been to obtain the essential cooperation of two coordinate groups of men of great authority and prestige and often of different objectives, it does not seem an exaggeration to term successful arrangements for inter-branch relations supplements to the Constitution.

In the belief that an exchange of opinions about present legislative-executive relationships in the Government of the United States would be useful to those engaged in them, the Graduate School selected that topic as the subject of the first series of William A. Jump-I. Thomas McKillop Memorial Lectures on Public Administration. The addresses were organized on three of the great themes of legislative-executive relations: the formulation of public policy, the budget process, and the administration of programs. They were delivered in the period January to June of 1953. These lectures represent the current thinking of politically important people on one of the tough and enduring problems of our politics. The men who delivered them thus added to the burdens of already overlong days. The fact of their delivery indicates a willingness among the leaders of our government to discuss difficult political problems openly and dispassionately.

The first two lectures in the series were devoted to the careers of Mr. Jump and Mr. McKillop. William A. Jump was greatly concerned with legislative-executive relationships during the whole of his career as Budget Officer and Director of Finance of the United States Department of Agriculture. He believed that fostering good relations between the Department of Agriculture and Congress was one of his principal functions. Judge Marvin Jones of the United States Court of Claims, who knew Mr. Jump intimately while a Congressman and later as War Food Administrator, was asked to discuss Mr. Jump's work on the relations of the Department of Agriculture with Congress. At the same session Dr. Harlow Person, of New York City, then a consultant to the Rural Electrification Administration, discussed Mr. McKillop's life and work. As Mr. McKillop was not engaged in legislative-executive relations, Dr. Person's address is not printed in this volume, but copies may be obtained from the Graduate School.

Judge Marvin Jones' remarks about Mr. Jump are particularly important for their statement of the personal qualities that made a man notably successful in dealing with the swiftly changing and often

subtle problems of legislative-executive relations. It is a magnificent tribute to a civil servant of the United States that Congressmen have said of him, "When he tells us anything, we rely on it."

Dr. Ernest Griffith was asked by the Committee for the Lectures to speak on the environment and general problems of contemporary legislative-executive relations. In discussing the setting of legislative-executive relations, Dr. Griffith suggested that thought and action about them would be more accurate if it were acknowledged that they are now the relations of four groups instead of the traditional two—the Presidency, the bureaucracy, Congress as a whole, and the substantive committees of Congress. This situation often results in an alliance of the Presidency and Congress as a whole against the bureaucracy and the substantive committees.

Speaking admittedly as an employee of Congress, Dr. Griffith stated that the problems of legislative-executive relations could be lessened if those in the Executive Branch with responsibility for them gave more consideration to certain facts of the present political situation. Congress, he said, believes its responsibilities include a fairly close review of administration. This being the case, it behooves an executive department to regard its liaison with Congress as a means of bringing its viewpoint into legislative councils rather than a method of selling itself on Capitol Hill or "handling" Congressional efforts to intervene in administrative affairs. Any official of the Executive Branch, he continued, would be most foolhardy to ignore the tremendous strengthening of Congress in recent years by the expansion of its staff services. As a result of the expansion of these services Congress now is in position not only to audit the legislative proposals of the Executive Branch, but to take the initiative in legislation. These developments indicate to Dr. Griffith that the future of legislative-executive relations depends on whether the Executive Branch approaches them candidly and with respect for the Legislative Branch.

Congressman Clifford Hope opened his discussion of legislative-executive relationships in the formulation of public policy by recognizing the great role of the Executive Branch in the process. In his opinion, "our public policies now are determined by both the Legislative and Executive Branches." Mr. Hope believes that legislative-executive relations constitute now, more than ever, "one of the greatest, if not the greatest, of the problems which arise in a government like ours of divided powers and responsibilities."

Although he thinks the mechanics of cooperation are of great importance, Mr. Hope, in reviewing more than a quarter century of service in the House of Representatives, stated that most of the conflicts in legislative-executive relations in that time had been personality conflicts. "Our forefathers," he said, "felt that a government of divided powers would work successfully if there was a will on the part of those exercising these powers to make them work. Their judgment has been vindicated. There have been occasional conflicts, but almost all of the time there has been cooperation because those at the head of

our government in all branches have wanted it that way. When that is the case it is always easy to develop, and always will be easy to develop, satisfactory ways of achieving this objective."

Under Secretary of the Army Earl D. Johnson, speaking on legislative-executive relationships in the formulation of public policy from years of successful experience in them, stated his philosophy of such relationships. Congress, he said, has a right to know what administrative organizations are doing. Those organizations must keep Congress informed and, in a sense, make Congress a partner in administration if they are to fulfill their functions. In his words, "If we cannot counsel them (Members of Congress) on what we are doing in advance, we have no ground to stand on for continuing to carry on an operation or to perpetuate a policy which is not in keeping with what they expect. . . . Legislative liaison starts with the inception of an idea."

Congressman Melvin Laird, discussing legislative-executive relationships in the budget process, stated that these relationships are the most important of all those between the two branches. To him, "The future prosperity and development of our country are directly dependent upon the budget processes used by our government." The principal defect in the present appropriation process, as Congressman Laird sees it, is that the appropriations committees still do not have adequate staffs of their own. This lack of staff extends to their subcommittees. Consequently the legislature still is too dependent on the advice of the Executive Branch about what to do with its own budgets, and this situation has weakened the application of the principle of separation of powers in our government.

Frederick J. Lawton, commenting on legislative-executive relations in budgeting after some years as Director of the Budget, emphasized what he termed the "constitutional significance" of the present budget process. This significance lies in the achievement in the process of a "durable procedure for cooperation between the legislative and the executive branches." The budget process is a bridge between the two branches, a practical means whereby Congress may instruct the Executive Branch annually as to what programs are to be carried out and at what scale, a method for orderly decision making; a method of regularized cooperation.

Much of Mr. Lawton's address was devoted to reviewing some of the current proposals for improving the budget process. After considering these proposals and making some of his own, Mr. Lawton stated that the problems of "Congressional-Presidential" government would not yield to "mere procedural elaborations" of the budget process although he agreed that the process could be improved. "The reckless overselling of ideas," he said, "is one of the less satisfying aspects of the political process. When it comes to significant economies, no device and no mechanism can automatically do the trick. This is a matter of unwavering determination of priorities, and the resistance to such priorities is spread all over the political landscape."

Rarely has anyone spoken as frankly and specifically about legislative-executive relations as did Senator George D. Aiken when he discussed them in this series in regard to the administration of programs. Senator Aiken believes that executive and legislative controversies about the administration of a program usually are over which branch will dominate it, and there is no way to establish exactly the respective lines of authority. Most of Senator Aiken's address was devoted to specific executive actions which he thought had led to bad relations of that branch with Congress. This catalog of nine major legislative grievances runs from the failure of executive officials to keep Congress fully informed of their actions to abuses of the rule-making power.

Secretary of Agriculture Benson based his discussion of legislative-executive relations in the administration of programs on his belief that the two branches of the government are jointly responsible for administration. Congress, he stated, shares in every phase of administration whether it be policy formation, organization, budgeting, personnel management, or review of program execution. "If our great purposes are to be achieved," he said, "there must be general accord between the Congress and this Department." Secretary Benson then stated a specific program for achieving and maintaining good relationships between his department and Congress.

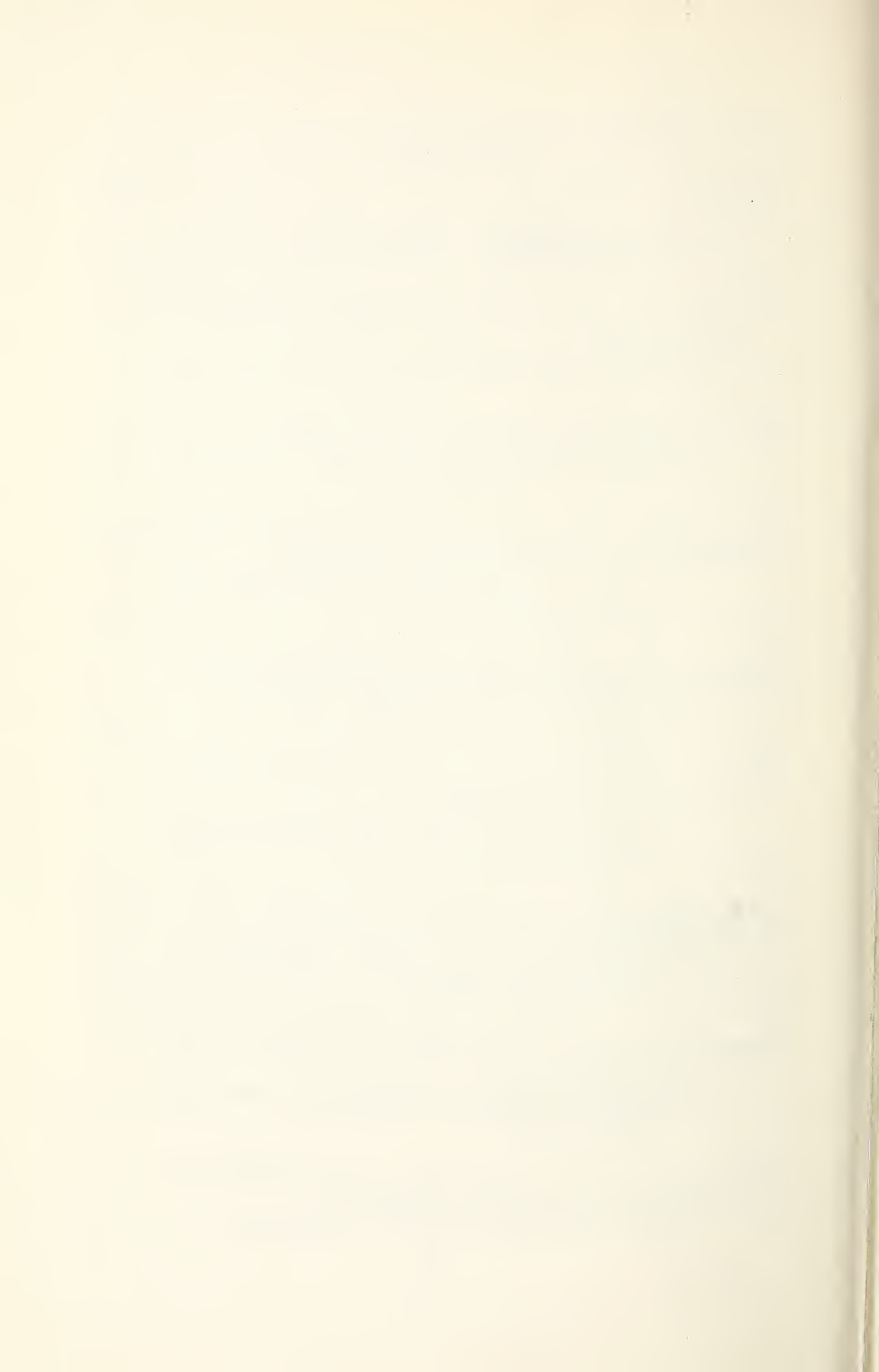
"I think that most of the conflicts in legislative-executive relationships arise out of personality conflicts," said the Secretary in closing. "I am hopeful—and determined—that such conflicts will not hamper the work of the Department of Agriculture. We who are responsible for its work need to know the members of the Congress and to counsel with them. In counseling with them we must seek to develop common understanding, mutual respect, and good will. We shall go to them in the knowledge that within our respective spheres we have the same objective—a productive and prosperous agriculture—and that to achieve it we must work together every step of the way."

The suggestion of the establishment of a lecture series in memory of W. A. Jump and I. Thomas McKillop was made to the Graduate School by Dr. John Thurston, Administrative Officer, Office of the Secretary, U. S. Department of Agriculture. A committee was appointed for this series of lectures under the chairmanship of Mr. W. A. Minor, then Assistant to the Under Secretary of Agriculture. The committee worked long and cheerfully at the difficult business of making the arrangements necessary for a program of this kind and its members should be given a major part of the credit for the success of the lectures.

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THE CONTRIBUTION OF BILL JUMP TO GOOD LEGISLATIVE-EXECUTIVE RELATIONS

MARVIN JONES*

I HEARD of Bill Jump before I knew him. I served in Congress from 1917 to 1940, and when we would get to talking about agricultural matters, my associates would talk about Bill Jump. I asked someone who he was and was told, "He is the man down in Agriculture that we all depend upon to give us the facts in connection with its operation, and he is the first Budget Officer of that Department."

The more I knew about Bill Jump, the more respect and admiration I had for the type of man that he was. I found that he began his work in the Department of Agriculture as a messenger boy. Then he became the secretary to the Secretary. He held a great number of positions in the Department and so far as I have been able to learn, filled all those positions well.

I heard during my twenty-odd years of service in the House, time and time again, the statement that, "I believe what Bill Jump tells me." I have heard him quoted time and time again. I have heard it said up there on numerous occasions that it didn't make any difference whether your question was favorable or unfavorable—if you asked it of Bill Jump he would give you an honest answer. I also heard the statement innumerable times, "When he tells us anything, we rely on it, and we will give Bill Jump anything he wants." They did that almost literally.

Bill Jump had many fine qualities that I wish I had the time to present at length. I will just touch on one or two of them. He was a man of unusually good judgment. He learned over a long period of years the needs and the mechanics of the operation of the Department of Agriculture. Then, what is far more important, beyond the fringe of known facts he understood the philosophy behind the mechanics and knew how to get at the spirit of the law and its outstanding purpose, and to give effect to what was intended to be the purpose of the legislation.

Bill Jump made no claims. In my service on the Hill I heard people make all sorts of claims—some of them justified, some of them not so justified. But I never heard Bill Jump make any outstanding claim that wasn't thoroughly justified. As a matter of fact, he was the type of man whom you instinctively trusted. When Bill Jump told you anything you could bank on it like water running downhill.

Bill Jump was a man of real culture, of understanding, and of courage. You know, a long time ago an old philosopher said that the gods look with favor upon superior courage. Bill Jump had the type

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of courage that would undertake to do a thing that he thought was right, regardless.

There are different departments of this government, each having its function to perform. The legislation that is passed in this country is enacted by representatives chosen by the people of the United States. The voters choose the people who enact the legislation, and those people must go back to their constituents every two or six years to give an account of their stewardship. So there is a means of checking on the work which they do. A great deal of the nature of that report is dependent upon the way you people do the job of administering the Acts that are passed. For three-fourths of the value of an Act is in its just and fair administration.

There isn't any reason for conflict, and there never has been any reason for conflict between the people in the executive and the legislative branches of the government. They have co-relative functions. They supplement each other. They are an essential part of an over-all whole pattern. Frequently the differences that come about are caused by misunderstanding. I know that frequently a man thinks, "Well, if I could just brush aside the provisions of law and go do this job like I want to do it, I could do a great deal better job." But you know that is the argument—and it is plausible—of every tyrant who ever had charge of the people of a nation. He can enact a law overnight. He doesn't even have to wait until overnight. He can do it this afternoon, and if you don't do what he says you had better take to the woods. That is the philosophy of every tyrant who ever lived. I mean, it is the ultimate philosophy; it is not what is intended by the person who wants to brush aside the provisions of law; but the story of the dictator is the story of maimed and broken bodies, plundered estates and destroyed people, throughout the history of the world.

Bill Jump had a philosophy of administration that I think everyone in the executive branch should share. He thought that administrators should not try to find a way around the provisions of an Act, but earnestly try to find the intentions of the Congress in passing the Act. His philosophy is sound, for if a man has honestly administered an Act and run into difficulties—some of them unforeseen and some of them perhaps foreseen—he has a sound basis for going to the House and to the Senate through their committees or their representatives and getting the legislation changed into the form in which he thinks it should be.

I have heard Bill Jump before the Appropriations Committee more times than I can count on the fingers of both hands. While I was Chairman of the Committee on Agriculture, I always attended Appropriations Committee hearings when Bill Jump was going to be there, to listen to his explanation of how the money was handled, how the purposes that the men on the Hill wanted served, had been served, or how the failures had developed. It was an honest report that the

fellows accepted without question, except for questions that might elicit information. That is a wonderful tribute.

Mr. Jump died January 22, 1949. On January 17, 1949, he wrote a letter to Congressman Clarence Cannon, then Chairman of the House Committee on Appropriations, which contains this magnificent statement of his philosophy of government.

"I have found that Congress is generally strong and generally sound, and working upon a final discovery in the best public interest of a solution of the great pending questions of the day. Their success in finding these solutions, when you consider the enormous ramifications of current times when things legislative have grown and moved away from simplicity and assumed overwhelming complexity, is truly remarkable. The Congress is so much better than the American people believe it to be that it is a shame that this disparity between fact and theory prevails. It is the public itself that is the loser in its inability to grasp the significance of Congress in the whole scheme of economics, continuation of liberty and proper execution of a number of the most important constitutional requirements under our American system. My thirty years before Congress has led me to believe that there is not a single thing of such fundamental importance as for the people to grasp fully their great dependence on the legislative system."

In conclusion, I want to quote further from a letter to me from Dick Maycock, who was an Assistant Budget Director under Mr. Jump in the Department of Agriculture:

"Mr. Jump usually made the initial contacts for hearings through the Clerks of the Committee. He was very democratic and had as many friends among the clerks as among the members. He never tried to pull his 'rank' on the clerks by by-passing them on regular business.

"He never tried to monopolize a hearing by doing all the testifying himself, but selected the man in the Department whom he thought best qualified to make the presentation.

"He built his reputation on the Hill by being honest, dependable and reliable. If Mr. Jump said a thing was so, it was so. He never tried to gain an unfair advantage. He was loyal to the Department and supported the budget submitted, but wanted decisions made on the basis of consideration of all the facts. He had faith that the peoples' representatives would, by and large, make their decisions in the best interests of the people and the nation as a whole.

"Frequently a question would arise as to whether or not an expenditure of funds for a given purpose was authorized by the appropriation. Mr. Jump never took a purely legalistic approach to such questions, but often consulted with the chairmen of the committees to find out their position. To do what was right was more important to him than to do what was legal.

"Sometimes when new legislation, or a new activity was being contemplated in the Department he sought counsel from Members of Congress in order to best frame and present it. He tried always to work with and not against the Congress.

"He took pride in being a public servant. He served under both Democratic and Republican administrations, but to him the Nation came first and the party second. He declined appointments which would have marked him as a party man in order that he could make his entire life one dedicated to public service.

"He never tried to curry favor. He did his job as he saw it and his reputation came as a result thereof."

In the Song of Solomon there is a verse about the little foxes that spoiled the vines, because the grapes are tender. Little whims destroy many people. The determination to have our own way affects most of us at times. The little prejudices we have are the little foxes. Mr. Jump apparently never had those things. I don't know how he lived without them, because I have had trouble myself many times in trying to keep from devoting too much energy in getting even with someone that I thought did me a bad turn. He never apparently did do those things, and it seems to me that his success in the government stemmed from such high personal standards.

PROBLEMS OF LEGISLATIVE-EXECUTIVE RELATIONSHIPS

ERNEST S. GRIFFITH*

I AM GLAD that your chairman mentioned my probable impartiality in discussing legislative-executive relationships. It will be of the character, I am afraid, of an incident that occurred in connection with the writing of the history of the Civil War—the War between the States. There was a certain Southern scholar who was very much incensed as he read one history after another of what was called by the authors, "The Civil War," at the injustice done to the position of the South. So finally he wrote a book which was entitled, "An Impartial History of the War Between the States from the Point of View of the South."

This is an impartial survey of legislative-executive relationships from the point of view of Congress. Toward the end of the 18th Century it is not unknown to you that there sprang into being the written Constitution of the United States of America which has today the unique distinction of being the longest-existent written Constitution in the world. It has also another distinction in the fact that in the overwhelming part of its provisions it remains unaltered. And among those provisions the relationships between Congress and the Executive are, by some margin, I believe, the most important in characterizing the nature of that Constitution today.

* Director, Legislative Reference Service, Library of Congress.

I want to discuss the relationships between the legislative and executive branches under three convenient headings: The setting, the facts and the problems. These will naturally overlap.

In the setting nothing is probably more important than the constitutional framework. It was Edward S. Corwin who stated in regard to the formulation of our foreign policy that the constitutional provisions for this function were a standing invitation to conflict between Congress and the President.

The only flaw I find in that characterization of Professor Corwin is that he limited it to foreign policy. Constitutionally speaking, it was in a sense the intention of our founding fathers that there should be whatever measure of conflict that would be necessary to prevent men or institutions which had unrestricted power from allowing original sin its full scope.

While they emphasized at that time the role of checks and balances from the standpoint of their preventing rascality and autocracy, today this same cluster of provisions has had a deeper meaning and, to some extent, a changed meaning. It means that in practice our Constitution has provided a government which virtually alone among the major powers of the world makes relatively certain that irresponsible power cannot exist for long on any considerable scale, not only without having to give an account of itself before its constitutional equal, but having to convince its constitutional equal. To that extent it differs from a constitution such as the British.

That provision will crop up over and over again in discussion. For all the friction and all the conflict that are evident, or have been evident, in our legislative-executive relationships, we must never lose sight of the fact that the conflict and the friction in one sense are a very small price to pay for that particular safeguard. Not only constitutionally can no dictator in the normal popular sense arise, but neither can there be that type of dictatorship of the technically competent which has come to pass under so many of the constitutions of other nations, by which the Parliaments and the Chambers of Deputies have been reduced merely to forums that can say yes or no and can take no affirmative steps of their own.

Now, the second thing to note in this setting is the cluster of social or historical changes. We note down through the years how there has been variation in the types of persons who were President, or who were in the Senate or the House.

There has been also a variable—a tremendously important variable—in the terms of the needs and the circumstances of the age. We have seen how by and large in the periods of war and crisis, the Executive Branch has forged forward, whereas in the more normal times, if those times ever come again, the Legislative, or possibly even the Judicial Branch, has assumed the central position in effectiveness and policy determination.

Thus the Constitution historically is one thing in one period and another in another as regards the usages that surround the letter of the document.

We note also in our present-day setting that these legislative-executive relations are established in a setting which is tremendously more complex than any the founders of our Republic could ever have dreamed of. It is complex, of course, first of all in terms of the technical and specialized nature of the problems with which our country is faced. It is complex in terms of the number of problems.

It was possible one hundred years ago, for example, to identify two, or three, or four problems facing our Government in any one year—problems which had very often been of long standing, gradual in their unfolding, and capable of anticipation. By way of contrast, we, in Legislative Reference, were able to identify as the probable agenda of the 83rd Congress for which we would vainly try to make preparation, some 154 important problems, of which we were prepared to classify 75 as of the first magnitude—a complexity out of all reach of what occurred one hundred years ago; and giving character to the whole field of legislative-executive relations.

I spoke also by inference of another development. Today there is an infinitely complex pattern of groups—the warp and woof of our political structure—for the most part economic groups, but to some extent racial, religious and other. These groups are responsible for perhaps nine tenths of all political action. They do not group themselves neatly into a left and right cleavage. To a great extent some of them are local in nature. Still others are regional. They cut across each other and make impossible unity of party program. There is no common denominator running through the pattern of these groups and their impatient desires and demands upon the Legislature and the Executive.

Too, there are other things which are important in this whole setting of legislative-executive relations. The first is the fact that our Government by usage, and usage closely related to the constitutional provisions, is at heart a government of equilibriums. An equilibrium between the State and the Nation; an equilibrium between the area which is forbidden to all government and the area of government action; an equilibrium between the sphere for party responsibility and the sphere for independents; an equilibrium between the sphere which we leave for the spontaneous action of the great economic groups, and the sphere on which we place the stamp of public responsibility by law. But among all these equilibriums none is more striking than the one between the legislative and executive branch. None has so much the key to the nature of American Government.

By equilibriums I mean this: That while one or the other may at one time or another be in the ascendancy, the fact that one gains the ascendancy, in itself, creates controversies tending to restore the

equilibrium possibly on a different level and in a different situation, but nevertheless to restore it.

The final factor that I want to mention in connection with the nature of our Government is that I suppose by and large it is what might be called government by consensus. That is a bad term. It is not a correct description, but it is the best that we have been able to discover for the phenomenon. There are governments in the world of majority rule. The United States is not a government by majority rule. The United States, through constitutional provisions and usage, by and large is of the nature of the government where a forward or a backward major step cannot for the most part be taken in our national life or in our policy, unless a substantial fraction—not necessarily a majority, but a substantial fraction of each of the great economic groups—labor, agriculture and business—and of each of the great regions into which this country is divided—are convinced that such a measure should be taken. That is quite a different thing from majority rule.

Majority rule tends to prevail in our States, so that if there is a majority in a particular State for social legislation, or for a particular conservation policy, that State can, by marshaling its majority rule, so experiment. But not so in the Nation.

Now, it is in these settings—in the setting of a Constitution which incorporates in the very framework of its structure the elements of a conflict; in a Constitution which provides for a great deal of flexibility, historically, in a social setting of great complexity; in the situation in which a government of equilibriums has been evolved and a government of consensus, that we consider legislative-executive relations.

Now a few facts in this connection. I find that high school civics and possibly college political science are responsible for an oversimplification of the structure of legislative-executive relations. There is the theory more or less popularly held that it is the relationship between the executive branch on the one side and Congress on the other. That is most important, whereas actually a four-way characterization is necessary to give it anything that approaches an accurate analysis.

If we consider the Executive Branch we can divide it for fairly useful purposes into two branches—the Presidency and the Bureaucracy. I am using the term "Bureaucracy" in no tendentious fashion, but to distinguish it from the Presidency, that is, the office of the President, especially the Bureau of the Budget, the Civil Service Commission, and so on. To distinguish, that is, those agencies of our Government which are wedded to an over-all policy, to a coordinating policy, and the ones that are the substantive departments, such as Agriculture, Labor, and so on, to which I apply the term "Bureaucracy."

So also we may identify two branches in Congress. Congress as a whole, the Appropriations Committee within certain limits, the Joint Committee on the Economic Report, possibly the Ways and Means and Finance Committees, the attitude of individual members

who appreciate the over-all aspects of government on the one side—and the substantive committees of Congress on the other. In many instances this first part—the Presidency on the one side and the over-all part of Congress on the other side—find themselves thorough cooperators against the Bureaucracy on the one side and the substantive committees of Congress on the other. Thus the relationships between a Bureau and its appropriate committee may be much closer and more harmonious than the relationship between that committee and Congress, as a whole, or between that Bureau and the Presidency.

It is in this four-way analysis that much of our discussion should rest.

There are a good many institutions devoted to legislative-executive relations. Some of them are formal and some of them informal. A brief look at these institutions is in order.

We note first in the Presidency the weekly conference which Roosevelt held, and which Eisenhower proposes to continue—an informal conference between the President and the leadership of the party in Congress—an institution which some people have advocated formalizing but which for the time being, at least, is probably better in its informal aspects because it makes it possible from time to time to introduce a flexibility into it in terms of persons and subject matter which would not be present if there were a formal reorganization, for example, of the President's Cabinet, so as to include certain legislative leaders.

The Presidency has within the Bureau of the Budget a Division of Legislative Reference which correlates the program of the President prior to its clearance for Congressional submission. There are other less formalized devices—including certain liaison men in the office of the President himself—which might be mentioned, but which have not been sufficiently stabilized to lend themselves to formal treatment.

In the Bureaus similar liaison institutions are gradually emerging. Certain Departments have Assistant Secretaries designated to take charge of Congressional relations. In others the Secretary himself handles Congressional relations or the Bureau Chief for his more limited purposes. In any event, at this point a very important question is emerging on the horizon. That is, whether the legislative liaison, whoever he is, or however designated, is regarded within a Department as fundamentally an official to sell the Department to Congress, or whether he is regarded as definitely a liaison with Congress with the function also of interpreting Congress to the Department, and hence a member of the high councils of the Department, so that the viewpoint of Congress may be brought to bear in the incubating stages upon its policy. And brought to bear not as something to be handled, but as something that has an affirmative contribution to make to that policy.

The success or failure of liaison work of that type, as far as Congress is concerned, is likely to be very closely connected with the role which a Department or a Bureau assigns to such a liaison man.

On the Congressional front, there are two committees, or possibly subcommittees, of which account must be taken. There is the substantive committee which is entrusted with the responsibility for overseeing a Department or a Bureau and for legislation in its field. There is also the Appropriations Subcommittee which has somewhat similar responsibility—not technically, but actually in practice. And make no mistake; just as there is, from time to time, argument, dispute, and even conflict, between the Bureau of the Budget and the Department or Bureau, so there is likewise rivalry from time to time between the Appropriations Subcommittee and the substantive committee. It is this phenomenon that I speak of as representing to some extent something that cuts across the formal structure of legislative-executive relations and creates fellow conspirators drawn from both branches, against fellow conspirators drawn from both branches. The institutionalization of this will doubtless appear from time to time in subsequent lectures.

There are two or three other facts which must be taken into account. The first of these, and one of the most debatable and debated, is the view which Congress takes that its responsibility for administration extends much further into the details of administration than those in the Bureaucracy and the Presidency often wish it did. Unlike the legislative bodies of most nations, our Congress believes that it falls within its sphere to prescribe salary scales in detail; to pass in detail upon much of the structure of administrative organization; to enter into loyalty programs; and even into individual loyalty cases; to deal with appointments and removals to an extent that is almost unknown in other nations; to concern itself with the tremendously complex details in the day-to-day administration of each of the action programs; to appear at times before administrative tribunals or to deal informally behind the scenes with them.

All of this represents a Congressional point of view, a philosophy, which is very strongly called into question in many administrative circles. Congress believes that its activity in these fields is very much justified by its own knowledge of the day-to-day administration through contact with its constituents.

Those of you who are familiar with the procedure of the British House of Commons will recognize much of this Congressional concern as the equivalent on a grand scale of the question hour in the British House of Commons. Over and above that, Congress maintains that separation of powers was never the exclusive principle of our Constitution; that the incorporation in the Constitution of the coordinate principle of checks and balances indicates that it was intended that the legislative establishment should have a very considerable role in the details of administration. I am neither defending nor criticizing this, but I am suggesting that you interpret much of what is said by those who give this lecture series in terms of which viewpoint a particular lecturer may hold on that particular phenomenon in our Government.

A most important fact, possibly the most important in understanding present legislative-executive relations, is the extent to which our Congress, unlike almost any other major legislative body in the world, has been able to adapt its procedures and its organization to the requirements of this complex technological age.

Fifteen years ago I was rash enough to write a book, and in that book I hazarded the statement that the American Constitution was going on down the same channel that had been followed by the other major industrial nations of the world. That is, it would be succeeded by the British parliamentary system in which, for practical purposes, all major policies are matured in the bureaucracy, in the executive branch. The legislative establishment in that system, as it is composed of amateurs who are not elected because of technical competence as such, would more and more have to follow a pattern of ratification, with an occasional rejection and a few tinkering in the form of minor amendments. I also thought that party responsibility was emerging and that behind party responsibility lay the programs incubated by the tremendous technical and research arms of the bureaucracy. Thus, it seemed to me that the sheer fact of the necessity of specialized technical competence would irrevocably underscore the ascendancy of the executive branch and the gradual fading—if not supersession or eclipse—of the hitherto tremendously significant role of the legislature.

I noted at that time that of some twenty major measures of the Roosevelt Administration in the middle thirties, eighteen had been incubated in the executive branch and for all practical purposes were passed in the form in which they were incubated. That represented a major change in our Government; a major shift in this equilibrium.

But Congress was not to yield so lightly. In 1940 there was discouragement on Capitol Hill, and resentment—resentment and discouragement arising not so much out of the fact that the Executive was in such enormous ascendancy, but arising out of the feeling that possibly it was inevitable that it would be so. France had fallen; dictatorship was gaining all over the world. Where legislative bodies had been retained at all in these dictatorships they were retained as mere cheering sections for the side in power. But some Members of Congress were not content to leave it at that. So out of that ferment in Congress, and out of the long hearings of the LaFollette-Monroney Committee on the Reorganization of Congress, there came the Legislative Reorganization Act.

The organization of Congress was streamlined. Much of its minor agenda was jettisoned and then—what has proved to be, I believe, of even greater importance in terms of adaptation to the contemporary needs—staff, research services were created in considerable profusion. Appropriations for the staff services of Congress were then in the neighborhood of a million a year, almost all of which was for staffs temporarily recruited for particular investigations and then dissipated.

Now those staff service appropriations are now in the neighborhood of six million, of which almost four million is for permanent staff.

The primary reliance now of the Committees of Congress is upon their own professional staffs. In Legislative Reference we have the honor to be the supplementary reliance of the Congressional committees, and the primary reliance of the individual member.

Now, the important thing in this adaptation is this: Congress, from before the turn of the century, had needed technical advice in dealing with highly specialized and intricate problems. In the first instance it had received such advice through the device of the hearings—through the experts attached to the special interests who are concerned with the given legislative proposal.

That was not as bad as you might suppose because normally a legislative proposal would bring forth in the Congressional hearing a conflict of special interests. Most of the Congressmen then and now were lawyers and to a lawyer truth emerges from a battle of protagonists. So a Congressional hearing was a legislative adaptation of a courtroom procedure and there appeared before the Congressional committees the witnesses and the protagonists of both sides, or several sides if there were more than two. Occasionally a Member of Congress would become a counsel for the defense and another would be an attorney for the prosecution. By and large at these hearings, in so far as the information could be comprised in this orbit of a conflict of protagonists, Congress obtained the necessary technical information. It had no staff to interpret it; no staff for practical purposes to formalize it; but the hearings were there.

That was unsatisfactory. Beginning considerably earlier, but coming to its full flower in the Franklin Roosevelt Administration, there was the second phase of reliance on the experts in the bureaucracy, in the Administration, in the Executive, the Presidency, or whatever you will. For many years this held the center of the stage. The Agriculture Committee would be called together, and it might be dismissed by the Chairman because the Department of Agriculture had not yet sent its bill. The idea that the Agriculture Committee could itself formulate an affirmative policy had for the most part not occurred at that time to the committee.

But you see, some defects began to appear—some shortcomings. I won't take your time to outline them except very briefly. They were threefold. First, there was the department research whose results had a tendency to conform to the public pronouncements of the Secretary of whatever the Department was, or of the President in a political campaign. There was a remarkable similarity; sometimes cause and sometimes effect. But it was difficult to differ with your chief. Occasionally chiefs would differ and you would have a public squabble between the Army and Navy, but for the most part the Executive was monolithic in its approach, at least publicly; and it was only Congress that exhibited its indecisions in public.

The second defect was that the Department would tend at times to go into a rut. Take the example of France. The French General Staff advised the Chamber of Deputies that the Maginot Line was sufficient. The Chamber of Deputies had no basis for criticism, but the French General Staff happened to be wrong and the mistake cost the nation its independence. It had to be rescued.

The third defect or shortcoming was that somehow or other few, if any, Bureaus or Departments recommended a shrinkage either in their power, their size, or their appropriations. Perhaps that was all right. They believed in their work and should. Yet the genius of our Government should be that justification for such increases should be before technically competent persons who had no vested interest in them, and we were losing that particular safeguard—losing it rapidly in our Government. There was a subsidiary defect, and this was a derivative of this third one—that the Departments for the most part—Agriculture was an honorable exception in many respects—the Departments for the most part tended to favor the national viewpoint over against the States and localities. The States and localities had few, if any, technically competent spokesmen in the whole national setting. So there was a gradual extinction of their viewpoint in departmental recommendations.

To make a long story short, Congress developed staffs which not numerically, but I believe in terms of their qualifications, are the equals of those at the disposal of the Executive. Congress need not be ashamed of them as compared to the people that the Executive has.

So there has been very marked change. Today, an executive department that has a proposal to make may rest assured that that proposal will be audited on Capitol Hill not only by the elected representatives of the people from the standpoint of acceptability, but also the pros and the cons from the standpoint of technical criticism will also be brought out. This has its implications in terms of the desirability of the candor with which William Jump approached his dealings with Congress.

I turn finally, very briefly, to certain problems in legislative-executive relations—problems which those of you who sit through this series probably will want to bear in mind and probably will want the answers to from the points of view of the subsequent speakers.

First, as to the assumption that a speaker has, or that you have, or that I have, as to the two great conflicting schools of thought, as to what our national government really should be. I spoke here about our national government, particularly insofar as it is a derivative of its legislative-executive relations, of being a government by consensus. I contrasted that to government by majority rule. Now, without being able in the time allotted to treat the provisions in our Constitution and the usages that account for and that sustain this government by consensus—will you not accept the view that the legislative-executive relationships, that is, the constitutional provisions relating to these relationships, are playing a major role in this situation. There are

serious challenges to that particular concept of our Government. It is challenged especially by a large and notable group of political scientists. The idea also has its challengers, I would say, among the majority of the students and practitioners of public administration in the Government. They feel that there should be party responsibility, and that the party responsibility between the President as the head of the Administration, and the party in control in Congress should be a unified responsibility, so that the President's program, particularly as it is hammered out in conjunction with the party leadership in Congress, would have a much better chance than it now has of enactment; that the President should not be stymied in the house of those who, as far as party label is concerned, should be his friends; that independence, which, we have been taught, is a virtue in every other field, is somehow or other a defect in political action.

We have come a long ways since the party caucuses were binding, and they were binding in the latter part of the nineties and in the early part of this century. We have proceeded to the point at which the majority of the committees of Congress in their executive sessions—which are the sessions that mean most—the majority of the committees of Congress are now non-partisan in their approach to the questions before Congress. There are differences of opinion, but the differences are not along party lines. We have reached the point now in which the majority of votes in Congress—the decisive votes—find the majority of both parties on the same side and the great majority of the remainder find a substantial sector of the other party voting with the majority of the party that carries or defeats the motion.

Partisanship, except from the standpoint of organization and except from the standpoint of public staging of certain sham battles to make points is not by any means the most important motivating factor of the votes that matter in the Congressional scene. That means that party responsibility, which is apparently a corollary of majority rule, is fighting a losing battle. Whether it should be or not is the subject of hot debate. My own feeling, for what it is worth, is that the values of independence and of conscience transcend those of party responsibility.

My own view also is that so long as we keep the direct primary—and I see no signs of it passing out of the picture—however desirable party responsibility might be, we shall not get it, because no local party organization is going to commit suicide in the interests of national loyalty. If they did, the primary would be won by those whose views conformed to those of that particular district. But that is aside from the point.

Much of the trouble in legislative-executive relationships can be understood in this transitional phase of the role of party in which certain things have to be staged for public consumption, particularly near a Presidential campaign; whereas behind the scenes, where the real work is done, decisions are made largely on other bases.

Now the second problem is one that is very much in the mind of the executive branch. That is the problem of Congressional investigations. I wonder if you realize how much the scales are weighted in the direction of there being excesses in this field. In the first place, that which is newsworthy is likely to be that which is controversial, spectacular, or ridiculous. That which is newsworthy is likely to be that which is crusading—which is made up of attack. That puts a premium on investigations of that type, and yet the great majority of investigations I believe are not of that type. There is a move on Capitol Hill toward the self-imposition of an ethical code in connection with investigations. Along with this, a great deal of thought is being given in both branches of the Government as to the correct role of investigations. Not all investigations involve the executive branch, but a very large number do. It is one of the fluid areas with Congress trying to find its proper role.

I think if you will look over the record of the past ten years of these investigations, however strongly you may feel in connection with certain of them, the record by and large is a record of which our nation may be proud, and certainly it is a record of which Congress is proud.

Another problem which is important has to do with the question of Congressional initiative. This comes hard at times, because I suppose those who administer in a sphere feel naturally that the prerogative of initiating change should belong to those who are most closely in touch with the problem. That could be granted, provided it is also granted that it may well be that Congress is also very closely in touch with the problem—possibly from different angles. In any event, one of the by-products of larger Congressional staffs—a by-product which has been criticized as well as praised—is that Congress is now in a position to take an initiative legislatively speaking.

Congress is in position now to take an initiative in the field of agriculture, for example, and amazingly enough, in the field of foreign policy, as well as in the field of labor relations and the field of taxation. There also, for the most part, must be government by consensus. The President has a veto, and rarely, if ever, can Congress pass over that veto unless the conditions are present by which a substantial sector of each of our great economic groups, and each of our great regions, believes that that veto should so be passed over. That is true in the field of civil rights, in the field of labor relations, and in these other fields which have been so controversial and so dramatized in the past few years.

Another problem, and an unsolved one in both the legislative and executive branches, is the problem of integration. We may, by and large, characterize our Government, and for that matter the governments of most of the nations of the world, as dispersive—essentially dispersive. I spoke of powerful economic groups. The typical situation is for an economic group to bring pressure on the legislative branch to have a law passed in behalf of that group in

the economic struggle. In order to make that intervention continuous under the principal provisions of the act, objectives are set up and a bureau created. Thus we have to a great extent bureaus which have clienteles—bureaus with conflicting policies arising out of conflicting clienteles. And that has its counterpart on Capitol Hill in committees which have intimate relations with the bureaus, so that the characterization of our Government, like that of many or most nations is the term “dispersive.”

There have been attempts at integration, at making policies conform to each other and be mutually compatible instead of accidentally compatible, or incompatible as they often have been. That is an unsolved problem. The Council of Economic Advisers hangs in the balance in the executive branch. The Joint Committee on the Economic Report is slowly and painfully feeling its way in the Congressional scene. This field of integration of policy is a field which needs watching supremely in the years ahead. We have for the most part solved it in war terms and war periods, in periods of national emergency; but the national emergencies, and even the wars, may themselves be the by-products in part of our failure to integrate our policy in periods of peace and economic normalcy.

One final problem to watch, and that is the problem of attitude. It is a tragedy when Congress indiscriminately criticizes the bureaucracy, but don't take it too seriously if the criticism is indiscriminate. It is often necessary to have a scapegoat. Franklin Roosevelt found Wall Street a necessary scapegoat, but he created a situation in which Wall Street prospered. The bureaucracy has its friends, and many of them on Capitol Hill—notably in the substantive committees. It has spokesmen for its points of view there.

On the Executive side there are two schools of thought. There is the school of thought which regards Congress as something to be handled or by-passed. A certain school of public administrators belongs to that point of view. They resent the “interference” of Congress in their plans. There are schools of thought in foreign relations that particularly hold that view, but there are others—and this lecture comes in memory of two of them—who have a profound and fundamental respect for our legislative establishment; who recognize that by and large over the years it is ahead of public opinion rather than behind it; who say that by and large over the years, and increasingly so today, its members often know what should happen; but, because we function in a political setting and are a democratic republic, we must often be content with half measures which are in the right direction.

Martyrdom is not a characteristic of an elected representative. If it were he would soon be replaced by someone else.

So I would say this: That much of the future of legislative-executive relations depends upon the extent to which, on the Executive side, the attitudes, the respect, the candor, the spirit of those in whose memory this series has been established, carries on.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN THE FORMULATION OF PUBLIC POLICY AS VIEWED BY THE LEGISLATOR

CLIFFORD R. HOPE*

IT is a great honor to participate in this series of discussions on legislative-executive relationships which have been designated as the William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration for 1953. I think it is a splendid thing that in this discussion we have an opportunity to honor these two men, both of whom were exemplars of the very best in public service. Both of them are worthy of this and the other high honors which have been accorded them and I feel that in honoring their memory we are at the same time honoring many in government service—many who are little known to the public but who have been and are making a real contribution to good government.

It was not my privilege to be well acquainted with Mr. McKillop, although I knew him and greatly admired his achievements in the government. Mr. Jump I knew over a long period of years, although perhaps not as intimately and well as those who served on the Subcommittee on Agricultural Appropriations. No one however could deal with the problems of Agriculture or have any working relationship with the Department of Agriculture without being impressed with the magnificent grasp of his job which Mr. Jump possessed. I believe that all of us who knew him could say without any possibility of successful contradiction that during his time as budget officer of the Department there was no man who knew the Department, its personnel and its activities, as well as William A. Jump.

Likewise there was no one in the Department who stood higher with the Members of Congress with whom he came in contact than did Mr. Jump. His contribution toward building good legislative-executive relationships was outstanding. I do not think there is any secret as to why this was true. Mr. Jump's relationship with those Members of Congress with whom he came in contact was based upon the mutual feeling of respect which develops only when relationships are established on a basis of integrity and confidence.

Members of Congress through long experience knew that they could trust Mr. Jump. They admired his vast knowledge and understanding of Departmental activities and finances, but over and above and beyond that they respected his integrity in always giving them the full and true picture of Departmental activities. He in turn through long experience, keen perception, and a sympathetic under-

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standing, knew and appreciated the viewpoint and responsibilities of Members of Congress.

Legislative-executive relationships constitute one of the greatest problems, if not the greatest, which arise in a government like ours of divided powers and responsibilities. A discussion of them deals with situations which have in many cases become explosive and critical and yet which throughout the years always have been resolved successfully and in a way which demonstrated that this form of government, unique in many respects, is as workable today as when established more than one hundred and fifty years ago. The growth of our nation in area, population, strength, and influence has made adjustments and changes necessary in the working relationship between the executive and legislative departments, but by and large that relationship works just as well today as it has at any time in our history. In spite of criticism, in spite of fears and alarms, it still functions—in the main smoothly, although occasionally otherwise.

Originally the question of executive-legislative relationships involved only the President and his close advisers on the one hand, and Members of Congress on the other. In more recent years the great growth of our government establishment and the vastly enlarged scope of governmental activities has set up a third party to this relationship, which for want of a better term we call the bureaucracy. It is doubtful that this development ever was contemplated by the founders of our government but in this complex and technical age the bureaucracy not only has administrative functions but must participate in policy formation as well. This is true in part because many questions of policy can only be decided by giving consideration to the views of those who are technically competent and because no President, no Cabinet official and no head of an independent agency can deal with all of the questions or make all of the policy decisions which constantly arise in government in these times.

Undoubtedly the founders of our government in organizing it as one of checks and balances assumed that normally there would be cooperation between the executive and legislative branches and that each would recognize the authority and responsibility of the other. The fact that our government has functioned successfully during all of these years indicates that this assumption was correct. Yet the comparatively few instances where there have been sharp conflicts between the executive and the legislative have made the headlines either currently or in the history books, and for that reason they assume more importance than would otherwise be the case.

Without pretending to have any wide knowledge of the subject I have the impression that in most cases where there has been real or apparent conflict between the executive and legislative branches, it has been caused very largely by personalities. We have had some men who have been considered strong Presidents because they took the lead and initiative in dealing with questions of public policy. In other cases the nature of the times has given the Executive an oppor-

tunity and perhaps a responsibility to deal with policy and legislative matters to an extent which would not be tolerated in other times. Even in those cases, however, the personality of the Executive has had a great deal to do with the action taken.

In almost every instance, however, where a strong President, either because of his personality or because the times seemed to demand it, has projected himself into the field of legislation and policy-making, there has been a reaction. The legislative branch has reasserted its prerogatives and in some cases attempted to project itself into the field of administration. Some of these instances have occurred so recently in the history of our country that it hardly seems necessary to call attention to them now, but I might point out that the aggressiveness of Theodore Roosevelt in the field of public policy was followed by a period when the Congress asserted itself more strongly. The same situation followed the Wilson Administration, as well as that of Franklin D. Roosevelt.

The Civil War period, during which immense powers were granted the Executive, was followed by a period when the legislature not only attempted to strongly assert itself in the field of policy, but in that of administration as well. The fact that the Presidency and the Congress were held by the same political party did not restrain the legislature. That same situation has been paralleled since World War II, although in lesser degree. To those who have fears that in these modern days a system of checks and balances will not work, it must be reassuring to see the interplay between the forces of action and reaction which takes place in almost every instance where one branch of our government has projected itself unduly into the other's field.

I think it is easy to understand why at one period Presidential influence in policy-making and legislation may seem to be, and may actually be, more influential than at other times, if we keep in mind that in a nation like ours the people themselves actually make the policies and decide the issues. I do not mean by this that executive or legislative leadership does not have its place or that it is of little importance. It is of great importance, of course, in determining the timing and the method in which the popular will is to be expressed, but the fundamental decisions themselves are always made by the people.

Political parties attempt to make issues and up to a certain point are successful, particularly in cases where there is a well defined difference of opinion on the part of the people. But in some cases and perhaps in many the attempts of political parties to emphasize or exploit political issues as such are unsuccessful. Many times an issue which has been given little consideration in the drafting of platforms or in the statements of the candidates turns out to be the deciding factor in an election. Most Members of Congress or any of those who have been candidates for elective office have had the experience many times of finding that matters they had expected and hoped would be treated as important issues by the public were given scant attention

and that a subject which neither party nor candidates had considered of fundamental importance was a decisive factor.

A graphic illustration of this occurred in the First Kansas District in the November election. This district, which in the more than ninety years of its existence had never elected any but Republican Members of Congress and which this year went overwhelmingly Republican on national and state issues, elected a Democratic Congressman. The Democratic candidate was a man who was politically unknown. The Republican candidate had been popular, had made an excellent record in Congress, and was a man of stature and ability. Yet the interjection of a question involving methods to be used in flood control completely overshadowed all other issues and resulted in one of the biggest upsets in Kansas political history, because the people simply decided that this was the paramount issue as far as that Congressional race was concerned.

To a lesser extent the national election last fall demonstrated that the people themselves determine what the decisive issues are, notwithstanding the efforts of political parties. There were many issues discussed in the platforms of the two parties. Emphasis was placed upon foreign policy, government spending, corruption, bureaucracy, communism in government, and excessive taxation. Yet as the campaign developed it became evident that as far as issues were concerned, dissatisfaction over the conduct of the Korean War was by far the strongest single issue in the minds of the people. Aside from the personal popularity of General Eisenhower, this question undoubtedly had more to do with the Republican victory than any other. And yet it did not loom large in the political platforms or in the campaign plans of either party. In almost every election similar situations have arisen.

I mention these things for the purpose of pointing out that the times themselves and the attitude of the people very largely determine the part which the executive and legislative branches will play in the formulation of high public policy. In a period of emergency people turn to the Executive for leadership because they instinctively feel that one man can swing into action and accomplish something more quickly than a legislative body, or rather two legislative bodies composed of men representing widely varying viewpoints. The President represents all the people, whereas the Congress is thought of as being composed of members who represent small groups of people widely separated by geography, background, and economic and political interest.

If, under those circumstances, the Presidency is occupied by an individual who believes in action, who makes quick decisions, and who has a keen sense of popular sentiment, nothing can prevent him from temporarily assuming the leadership in formulating policy. In such cases Congress for the time being at least can do little but fall in line with popular sentiment. Even if the President does not possess all of the qualities which make for popular leadership, the tendency

is still to turn to him in a time of trouble. Furthermore, a President is always in a better position to assume leadership than are individual Members of Congress, or Congress as a whole. Everything he says or does is reported in the press. The spotlight is upon him and the office carries a sense of power which is reassuring to the people as a whole.

Most of us at least remember the number of spectacular legislative proposals which were made by the President and enacted by Congress during the special session of 1933. Those were the days when Members of Congress had to read the morning paper carefully to find out for sure just what they had voted for the day before. In at least one instance an important bill was passed without ever having been printed, or copies made available to the members of the House. Measures involving complicated and technical subjects were rushed through before most members of Congress had an opportunity to gain more than a superficial knowledge of what they included. We were told that we were dealing with an emergency and that time was the most important element.

Even during the next two regular sessions of the Congress much legislation of a highly involved nature was passed with such rapidity that many members of Congress were not thoroughly versed as to details and certainly many of them were apprehensive as to its ultimate effect.

The situation I have described lasted only a comparatively short time, although during the entire Roosevelt Administration, in which war succeeded the economic crisis, much of the important legislation was presented as an emergency matter and dealt with in a far more summary and hurried way than would have been the case if times had been more normal. It would be a mistake, however, to assume that Congress did not have an important part in policy-making during the years from 1933 to 1945. It did have an important part and in some fields of legislation it can be said that Congress had much more to do with the determination of policy than did the President.

It was during the early years of the Roosevelt Administration that the influence of the bureaucracy first became an important factor in the determination of policy. The very nature of the legislation which was passed, dealing as it did with subjects of a highly technical nature with many of which the average member of Congress was unfamiliar, made it necessary for many secondary policy decisions to be made by technical and business experts who had been brought into the government because of their specialized knowledge. The expansion of government which took place as a result of these legislative acts and which has continued since that time has made even more important the role of the technical expert in the field of policy.

Whether so intended by the founders of our government or not, for all practical purposes our public policies now are determined by both the legislative and executive branches. Undoubtedly over the years Congress has had far more to say about policies than the Presi-

dent, as it was obviously intended by our forefathers that it should have. But any study of important legislative proposals shows very clearly the important part that the President and the Executive Department play in over-all policy determination. In the determination of policy both the President and Congress have some advantages. One great advantage possessed by the President is that he can appeal over the head of Congress to the people if he feels that is necessary. By virtue of his position he has the ear of all the people. All the avenues for disseminating information are open to him and in these times television, radio, and the papers provide a tremendous opportunity to arouse public sentiment.

Even when the President takes no initiative in determining policy, his support or opposition is a most vital factor in policy determination. Just how important is shown by the fact that few important bills ever are passed over the President's opposition. I am not speaking now of the veto power, but of the President's power to influence legislation while it is pending in Congress. Likewise Presidential support for legislation ordinarily is one of the most important—if not the most important—elements in securing its passage. Furthermore, in the case of most important legislative matters the President through the Executive Departments is frequently the best and sometimes the only source for the technical and economic information upon which the legislation must be based.

We must not overlook the fact that the President is sometimes in a position to make and carry out policy decisions from which there is no appeal, although his power to make such decisions may be questioned. The most recent example of this is the decision to enter the Korean War. Another such decision which aroused a great amount of discussion previous to our entrance to World War II was the destroyer deal with Britain.

In spite of all the President's power to influence policy or legislation, there is ordinarily no way except in emergencies such as I have mentioned by which he can make substantial changes in government policy without the approval of Congress. The converse is not true because theoretically and actually Congress can bring about changes in policy and legislation without the assent of the President. It is still well to remember, however, that neither the President nor the Congress, nor both combined, can make changes in public policy in the final analysis without the support of a majority of the people. Theoretically yes, they can; but for all practical purposes, no.

I presume that one could go back through our country's history and make a rough determination at least as to how large a factor the Executive Branch of the government has been in determining public policy throughout the years. I would anticipate, as I have already indicated, that such an examination would show the Presidential influence not only varied during different periods of time and depended somewhat on the personality of those who occupied the office, but that it depended as well upon the subject matter of the legislation or policies under consideration.

While I have not had the time to make a survey or evaluation of the influence of the Executive in determining policy over any period of time as to all matters, and would not even feel competent to do so, I do have an opinion based upon observation and experience as to the relative part which the executive and the legislative branches of the government, respectively, have played in the enactment of agricultural legislation during the past thirty years. Let me refer briefly to some of the more important questions of agricultural policy which have been under consideration during that time. Some of them became law, and some of them did not.

The earliest legislative proposal designed to affect the over-all economic status of agriculture was the so-called McNary-Haugen law. Associated with it in point of time and also in the mind of the public was another program known as the Export Debenture Plan. Neither of these measures originated in Congress or in the Executive Branch of the government, although there were those in the Department of Agriculture who helped develop them, including Henry C. Wallace, Secretary of Agriculture in the Harding and Coolidge Cabinets. Sentiment for both of these measures came directly from farmers themselves and others interested in the economic stability of agriculture long before either proposal had any substantial support in Congress.

The Export Debenture Plan, although considered in Congress, never passed either the House or Senate. It had no support from the Executive Branch. The McNary-Haugen Bill, although defeated in Congress when first considered, later passed both Houses twice, only to be vetoed by President Coolidge on each occasion. At neither time was there sufficient strength in Congress to pass the bill over the President's veto.

On the other hand, the Agricultural Marketing Act of 1929 had no particular support from the public. Ostensibly it originated in Congress and passed both Houses without difficulty. However, there was little enthusiasm for it in Congress and it would not have passed except for the strong support which it received from the executive branch of the government.

The Agricultural Adjustment Act of 1933 was sent to Congress from the White House, having been worked out in the Department of Agriculture after consultation with many of the important farm leaders of the country, and on the face of things might be said to be more of an expression of executive than legislative policy. However, the legislation as submitted to Congress was the composite result of much discussion and consideration of proposals originating outside the government which had been the subject of hearings before the Congressional committees in previous Congresses. Thus it really was the result of collaboration between the public and the legislative and executive branches of the government.

The Farm Credit Act of 1933, which became a part of the Agricultural Adjustment Act in the Senate, was a legislative measure which had been worked out almost entirely in the executive branch, although

supported by farm organizations and meeting with little opposition in Congress.

The Soil Conservation and Domestic Allotment Act of 1936, which was gotten up hurriedly after a decision of the Supreme Court had held the AAA Act of 1933 unconstitutional, was a product of executive and legislative collaboration.

The Agricultural Adjustment Act of 1938, which is by far the most important of all the Acts passed for the purpose of bringing economic stability to agriculture, is an excellent example of the development of public policy through collaboration of the public, and the executive and legislative branches of the government. This Act, although amended on numerous occasions, is still a vital part of our agricultural policy. Although it was passed fourteen years ago, the principles upon which it is based are still accepted as being the best yet realized for agriculture. And after fourteen years of trial and error the act has more support as far as its basic proposals are concerned than at any time in its history.

I think that this Act has lasted so long because it was the result of many months of collaboration of individual farmers, representatives of farm organizations, the Department of Agriculture, and the Congress. It was the ultimate result of two bills—one introduced in the House and one in the Senate—which differed considerably as to their purpose and content. Its final form was worked out in conference over a period of several weeks. While only Members of Congress participated in the decisions reached in conference, they were in constant touch with experts in the Department of Agriculture and conferred with them on every important point involved in the conference.

This piece of legislation was enacted in a time of peace when agriculture was depressed and the shadow of surpluses hung heavy over the land. Yet with some amendments which did not affect the principles of the original legislation, it carried us through World War II, through the postwar years into the Korean War, and is still the foundation stone of our policy with reference to the stabilization of agricultural prices and income.

One thing more should be said about this measure. That is, that in the preparation and consideration of amendments to the legislation there has been very close cooperation between the Committee on Agriculture and the Department. Some amendments have been suggested from each source, but all of them have had the most careful and conscientious consideration by appropriate agencies in the Department and subcommittees of the Committee on Agriculture. I remember that on one occasion subcommittees of the committee itself spent months with the Cotton Branch of PMA trying to work out a particularly obstinate problem.

If you have been patient enough to listen so far, I am sure you have reached the conclusion that I believe we can get the best results in policy-making when the legislative branch of the government seeks the advice and collaboration of the Executive in the formulation of

policy. That is especially true in these times. I hope I have made it clear also that in these complex times the collaboration must not only exist between the President and his immediate advisers on the one hand, and the legislative branch on the other, but must include the technical and economic staffs of the executive branch as well.

There is a danger that Members of Congress, besieged by tremendous demands on their time and energy, will be unduly influenced in the consideration of involved economic and technical matters by the information and opinions furnished by Departmental specialists and experts. For this reason the Legislative Reorganization Act of 1946 provided for the staffing of Congressional committees with technical experts in the fields within their jurisdiction. In addition it brought about a reduction in the number of Congressional committees and a realignment and consolidation of their functions so that their jurisdiction now corresponds more nearly to that of the various executive departments and agencies. That act also strengthened and expanded the Legislative Reference Service of the Library of Congress. Another important provision in this Act authorized Congressional committees to oversee the administration of laws which they originally reported.

The general effect of these provisions has been to strengthen the hand of Congress in the field of policy-making and to put it in position to deal on more equal terms with the executive branch on economic, financial, and technical questions in both domestic and international fields. Of course, the effectiveness of these provisions depends on the extent to which they are used. Some committees of Congress have made much greater use of them than others.

Congress has further increased its ability to deal with intricate scientific and economic questions by setting up joint committees such as the Joint Committee on Internal Revenue and Taxation, the Joint Committee on Atomic Energy, the Joint Committee on the Economic Report, the Joint Committee on Reduction of Non-Essential Federal Expenditures, and others.

Getting down now to the mechanics of collaboration in policy-making, the most obvious and direct way is consultation between the members of the executive and legislative branches before policy decisions are made or legislation is introduced. For some years this has been done at the highest level through the Monday morning conferences between the President and the leadership of the two Houses. While it is obviously impossible to discuss the details of legislation at such meetings, there is an excellent opportunity to discuss general policies and to smooth out misunderstandings. There also have been occasional meetings between the President, Committee Chairmen, and Committee members on specific matters. President Eisenhower already has made considerable use of this method. And there have been many cases where quite close cooperation in the formulation of legislation has occurred between Congressional committees and Departmental and Bureau heads. It is my personal feeling that the more there is of this, the better—and I hope to see the practice grow.

The provision in the Legislative Reorganization Act of 1946 to which I already have referred concerning Congressional oversight reads as follows:

To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as may seem necessary, each standing Committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws the subject matter of which is within the jurisdiction of such Committee, and for that purpose shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the government.

This provision has not been used as fully as it should be. If fully used in the spirit and for the purpose intended, it offers an excellent opportunity for joint legislative-executive consideration of policy matters because it frequently develops that legislative provisions do not work out as intended, either as to details or in implementing policy.

The device most commonly used by Congress for obtaining the views of the executive branch on policy and legislative matters is the submission of bills to the appropriate government agencies for a report. This procedure is not authorized by legislation but has grown up as a matter of custom and convenience. Of late years its use has become almost universal. The procedure goes further than the submission of the bill to the Department or agency concerned because, except under very unusual circumstances, if the measure calls for the expenditure of money it is also submitted to the Bureau of the Budget for its consideration. Thus the measure goes all the way up to the White House for consideration as far as its financial aspects are concerned. A report from the Bureau of the Budget stating that a proposal is not in accord with the financial program of the President is the most melancholy language known on Capitol Hill, at least to the author of the bill in question.

The wide use of this procedure indicates a high estimate of its value in securing the Executive viewpoint in advance, both on the merits of the legislation and how it fits into the financial scheme of things. In many cases a report, even if adverse, offers an opportunity to ascertain objections and to make an effort to meet them. It must be clearly understood that an adverse report on a bill does not and should not of itself affect its legislative status. It may be possible to meet the objections which are made, or further consultation with the Department may bring about compromises which will be acceptable to both sides. A committee may even go ahead and report the bill without any changes and in spite of the adverse report. The bill might under some circumstances then be passed by one or both Houses.

Neither does a favorable report necessarily clear the legislative way for a bill. Unless it has independent strength such a report may not help it much. But all in all, this is the most widely used and perhaps the most effective way of securing legislative-executive collaboration in the case of all but the most important bills. Hearings on appropriation bills, while primarily dealing with administrative and budget

matters, offer an opportunity to discuss policies, as any study of the printed reports of the appropriations hearings will show.

The various methods which I have just described are the most common devices now used for working out satisfactory executive-legislative relationships in the field of government policy. They work pretty well today. They might not have worked as well twenty-five years ago and we may be using other methods twenty-five years from now. In government, as in other fields, changing times bring changing methods. The reason a form of government set up one hundred and sixty-five years ago for thirteen small colonies with three million people works now for a great world power with almost one hundred and sixty million people is that it is fluid and adaptable. Since methods and procedures are adaptable, the most important element in legislative-executive relationships in policy matters is the human element. Our forefathers felt that a government of divided powers would work successfully if there was a will on the part of those exercising these powers to make them work. Their judgment has been vindicated. To be sure, there have been occasional conflicts. But almost all of the time there has been cooperation because those at the head of our government in all branches have wanted it that way. When that is the case it is always easy to develop, and always will be easy to develop, satisfactory ways of achieving this objective.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN THE FORMULATION OF PUBLIC POLICY AS VIEWED BY THE EXECUTIVE

EARL D. JOHNSON*

WHEN I was asked to speak here I had no idea how formal or informal this discussion was to be. Being a person from the ranks of America rather than from the tops of America I can't help but be a little on the informal side. I wish that we could have an informal discussion of this topic, and I shall be very glad to answer any question that I can after I have finished talking.

I believe that in reviewing the relationship of the Executive to the Legislative branch of our government it is necessary to go behind the Constitution and its theories and basic concepts to the men engaged in these relations because I have found, as you may have found, that great events move not only in terms of organization charts and organization authorities, but in terms of the personalities of the time. I got out Webster's definition of an executive but that was of little help to me. So I thought, where do the executives in Government come from? A few like Jesse Donaldson** come up from the ranks, but the bulk of the top people in Government are not career people

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** Postmaster General in the Truman Administration.

in the sense of those who have started out at the bench and worked up through the policy level.

The bulk of government's executives, as you know, are brought in after they have had a great deal of conditioning, either in the business world or in the executive branch of a government. Generally, that conditioning has been in the business world, and when I say the business world, I should extend that to include the civic and educational world. This conditioning which they go through—and to some degree I think I am in this category—instills a certain approach, a certain philosophy, a certain technique of doing things. You get the idea that being an executive is coupled with and linked with some degree of authority to act.

It is hard to make the transition from operations to administration to policy. As you know, there is no really good, clear, indisputable definition of each of those three terms, or those three activities. Now, these governmental executives from the business world come from little organizations and large organizations. In little organizations they do everything from keeping the records on an envelope to acting as the sales manager, the production manager, the administrator, the president, and chairman of the board. In the large organization they soon find themselves specialized. One of the major difficulties in executive recruitment in the business world today is to find a man with enough generalized knowledge. I think the lack of men of generalized knowledge has been the thing that has elevated so many accountants and lawyers to high positions in business, because they do have in many ways a generalized view and a generalized knowledge.

Now these business executives descend on Washington and on the government. They are used to making executive decisions based on very little guidance and taking into account very few conflicting sources of authority. They have had the right, after being empowered by the board of directors, to move with virtually one major objective, which is to produce a profit. Of course, it is true in recent years, as big business became bigger and bigger, that the social conscience of business became more and more sensitive, and more and more conflicting elements had to be coordinated and had to be reconciled in the final action.

When you come to Washington—at least this is what I have found, and I am speaking purely from personal experience since I have not made any broad study of the relationships between the Executive and the Legislative—you have the tendency to carry your business experience over into your governmental operation. There is just no way to divorce yourself completely from the past. You soon find that there is a vast difference, a tremendous difference in methods of operation, because, in the first place, most Government agencies are not operating agencies in the sense that they conduct the production and operations themselves. They are administrative primarily. Their board of directors is the Congress and their stockholders, the citizens. They make administrative policies and take administrative actions

which have a direct impact upon those stockholders, who are at the same time their customers.

I hesitate to say how long it takes anybody to learn this difference between operation and administration. One of the best things to have happen to you is to have an ammunition investigation by Congress to bring you up short and to make you sensitive to the fact that you are executive in name only—if you think of executive as a business man thinks of it.

In the second place, you will find that there are men of ambition in both the executive branch of the government and the legislative branch. There is no clear-cut way, no talisman that I know of, to help you tell when you are getting a sincere, completely factual approach to a problem and when the politics of the situation is becoming the determining factor. As I said, I am inclined to be informal and I also am inclined to be pretty frank. If we could eliminate headline hunting in Washington, I think we could sit down and very easily formulate some pretty good, long-range policies. You know, once we have eliminated the headline hunting, we could go out and administer such policies to the point where we would be able to produce the type of administration which would give the country the best our citizens have a right to expect. Unfortunately, that is not the case.

So you must take into account not only the power government officials have to influence and make policy but also you must take into account the purposes of the people who make and influence policy. This is not confined, as I say, to either the Legislative or the Executive side. It plays an important part in each area. Fortunately for me, I have found in the Department of Defense a minimum of political interference. I think this is due largely to two things.

The first is that, during the time I have been here, the country has been in grave, constant, and growing danger. Operating in that atmosphere with everybody sensitive to it, there is a tendency to forget personal ambitions and a tendency to push aside sectional differences and to come up with those solutions that are best for the country and those things that have a lasting value. As a result, as I see it, the Congress has been just as willing as we have to take an unbiased look at those things. That may not apply in other Departments where you might have to give more weight to the political side. But in defense matters, there is a genuine, sincere understanding of what we are faced with.

Now, one of the first things for the executive branch to do, as I see it, to get the effective backing of the legislative branch in the formulation and administration of policy is to let them know what our problems are. How do we do that? One of the major ways we have is to bring the Congress right over to the Pentagon and to sit down and take endless hours showing them exactly what we are doing. Of course, there is a tendency on the part of some people to want to

shade and hide what they are doing. The military has a great iron curtain that can be lowered at any time. That is the iron curtain of security. It always can be said when the going is getting too rough, or when members of Congress are seeing too deeply into the closet and finding too many skeletons, that this is a violation of national security and we cannot disclose it to you. I can assure you that this approach only promotes additional difficulties.

In all the time that I have been working with the Army I have found that the top people are not the ones who want to conceal what they are doing. I have found it is the smaller people who wish to do so. I find in the bulk of these cases it is used by people who have a misconception of what their authority is vis-a-vis the Legislative. Basically we should be able to report every single thing we do to the Legislative, and should recognize that the Legislative has the right of review. If they do not like what we are doing, or the manner in which we are doing it, they should tell us so, and we should make corrections accordingly, after we have explained to them why we are doing it. If we cannot consult them on what we are doing in advance, we have no ground to stand on for continuing to carry on an operation or to perpetuate a policy which is not in keeping with what they expect.

From what I have seen, the longer a person is in office or the longer an institution is in being, or a division, or a section, or whatever it may be, the more encrusted it becomes with prejudice and the more rigid and fixed its position becomes before the legislative branch and before the Department Secretary or his subordinates. As a result you start out from assumptions and premises which are always and inevitably going to bring you to the conclusion that that particular desk or that particular division or that particular section wants you to come to. In a sense, therefore, you, the executive, become a slave to the staff which is supposed to be serving you so that you can make the decisions.

In an organization as big and as complicated as the Department of Defense, or, more specifically, the Department of the Army where, with the people overseas, we have over 700,000 civilian employees alone, it is easy to fall back on, and to be completely reliant on, the staff. Of necessity you must become reliant upon certain key individuals who head the staff. So what we have endeavored to do in our relationships with the legislative branch is to establish a closer liaison between these key career people and the legislators rather than limiting our contacts with them solely to those people who go up and ask for appropriations and to those people who go up and explain an unfortunate incident. This is the second factor which helps to reduce political interference to a minimum.

We have endeavored to prevent an insulation of the people who are the top individuals in their respective divisions, respective bureaus, and respective sections from the legislative branch. I think this is highly important because the longer I have been in Washington the more I have found that the legislative branch does not consist of

only elected representatives. As you well know, the bulk of the activity of the Congress is conducted in committee hearings. You do not have to be here long to realize that the Chairman of a Committee is one of the most important men in Congress. And you do not have to be working with him very long until you find out that his Administrative Assistant and his staff are extremely important people. If it is important for me to know the Congressmen, it is equally important for the man who reports to me, on the Panama Canal, let us say, to know the working staff of the Appropriations Committee. Endless hours of discussion and endless hours of difficulties have been eliminated by bringing together these respective groups and establishing as close a liaison as possible.

In an organization as big as the Army, and I think as big as the Department of Agriculture also, it is essential that there be some formalization of these arrangements. In the Army Organization Act of 1950, there was established for the first time in the Army a Department Legal Counselor. The Legal Counselor is the senior legal civilian who reports directly to the Secretary, and, in effect, is the same as the corporation counselor, who reports directly to the chairman of the board or to the president. He wields tremendous influence. Then, down in the staff, reporting through the Chief of Staff, is the office of Legislative Liaison whose activities are monitored by the Legal Counselor. Both offices exist to provide liaison between the Army and the Legislative Branch.

This legislative liaison, as far as we are concerned, begins right with the inception of an idea. The common conception is that the Office of Legislative Liaison is an instrument for monitoring bills and legislation once it has been conceived. But actually liaison starts with the basic idea. I have gone over on the Hill frequently to sound out Members of Congress as to whether a certain policy was acceptable to them, before ever thinking of drawing up legislation to implement that policy or, if it happened to be a matter requiring basic legislation, before seeking such basic legislation.

A good illustration is the Armed Forces Reserve Act. I do not doubt but what a number of you men sitting out there are members of the Armed Forces Reserve. Having been a member of it myself for some twenty years I have had many complaints about it. I think I have fewer complaints about it now that I know the problems of the Army in trying to run the Reserve operation. However, when the Armed Forces Reserve Act was under study for redrafting to take into account the new world in which we are living, namely, one of an armed alert, we went to the Congress first. Naturally you go to the top leaders of Congress. At that time they happened to be Senator Russell in the Senate and Congressman Vinson in the House. We talked it out for endless hours with them, and with their staffs, to determine what would be acceptable to the Congress. When I say, "What would be acceptable to the Congress?" I am merely asking them, "What would be acceptable to the people of this country?"—

because they represent the people. What will the people stand for in the way of manpower policies? How, in the end, will they accept forced draft, if it comes to that, for reserve activity?

There is a great question as to whether or not you could pass a law prohibiting strikes and have the country back you up on its enforcement. By the same token, there is a question as to whether you could pass a law forcing eligible civilians into reserve service and have people back you up on that. In the twenties we had the experience of trying to make an unpopular law work, and it could not be done. So we go to the Congress in advance. When I say "we" I am speaking collectively of the Executive Departments, because those of us in the Army are not authorized to appear formally before the Congress with requests without first going through numerous channels and moving through established relationships under established directives.

As you know, when any new legislation is initiated the Bureau of the Budget has to take a major part. The coordination of new legislation originating in the Army has been rather complicated in the past, but the legislation is greatly improved by having to go through the Department of Defense. This procedure prohibits a segment of a major Department from going off on its own, and I am heartily in favor of the coordinating operation. I wish it could be streamlined some, and I think it will be. Once a bill has been conceived within an agency of the Department of Defense it has to be sent from the originating Service, say the Army, to the Office of the Secretary of Defense. It goes through the legal consultants and legal department up there and is tested in terms of what the other Services want. It is checked to find out whether or not it violates existing directives and whether or not it means changing existing directives and statutes.

Then the long process of getting it put into effect begins. In 1947, I believe it was, Admiral Holloway championed a bill through Congress which produced what is called the Holloway Plan. Under this plan naval students going to accredited colleges are given virtually the same financial support and assume the same after-graduation obligations as a student at Annapolis. Ever since the other Services saw what an excellent product the Navy produced, the Army and the Air Force have been wanting to get aboard of that bandwagon through a Holloway Plan of their own. As yet we have not been able to get such legislation through Congress. We are prohibited from commenting in public on legislation which is in process, but, believe me, this process already has taken six years. Although everybody agrees such a plan is desirable, everybody wonders how to enact it into law.

I cannot tell you how many hours I have spent with the Legislative and how many times the Legislative has called me with a suggestion for a different approach. But still we have not achieved it. It only proves to me that there has to be a better working relationship between the two branches. Conflicting forces have stopped our project each

time we have advanced it. Sometimes these have been conflicting forces who saw that the passage of the legislation was imminent and riders have been tacked on which have destroyed the main provision.

At the present time we have a new team in power. I am in a position of being something of a holdover. I came into the Department in May of 1950, as the Chairman said. It is interesting to me, in working with the old team and now with the new team, that one major difference exists between the old operation and the new. That difference, I believe, is that the Legislative Branch of the Government is more cooperative now than it has been during the past two years.

I look forward to this as an opportunity. I can see that things which we were unable to accomplish then we are now in a position to do. This is primarily because we now have a firmer, more understanding, and more cooperative relationship between the Executive and the Legislative Branches. I suppose every new team has a certain amount of political capital in the bank when it comes in. Sooner or later it runs out of that political capital and then maybe it reverts to the old oppositions. One of my major endeavors in the Department of the Army, at this point in time, is to make sure that this political capital is not exhausted through a profligate approach. One of the ways to exhaust it most quickly is to try to move independently of the Legislative.

You know, we in the Executive Branch enjoy a great immunity to public pressure even though we think we have a lot of public pressure. I can remember when casualties were running at their highest that we were getting as many as 4,000 letters in a day. That seemed like a lot of public pressure. But I think it is necessary to understand that we are insulated, and that the people who insulate us are the members of Congress. To ask them to accept unworkable theories, and to ask them to countenance a completely independent Executive is asking them the impossible, because next year—even though the new team started this year—the House is up for election.

Noontime today I spent with a certain Appropriations Subcommittee chairman preparatory to appearing before him on appropriations for a very vital area. I know that this fellow is one hundred per cent in favor of what we want to do. I also know that there is no possible way for him to allow us to do what we want to do. And I am sure that if we called in management experts from the outside, the management experts would tell us that we should do it our way because that is the efficient way to do it. I am sure in the business world it is the efficient way to do it, and I am sure that under a dictator it probably would be done that way. But thank goodness we cannot do it our way if it means departing from our democratic system of government.

At lunch we had not only the chairman of the subcommittee, but also we had his administrative assistant, and mine. When we left I think we had a workable general public statement which would allow us to go as far as humanly possible in the direction of straight-line

organization. I am not sure that we can get that kind of cooperation continuously, but I know that we have no hope of getting it if we do not pave the way, continually and constantly, working with the legislative as an integral part of the team.

One of the things that a man who has risen to power—particularly if he is a self-made man, and many of those who come here are self-made men—does not like to put up with is outside dictation. One of the things that a commander in the field does not like to put up with is outside dictation. We in the Army have a concept regarding the autonomy of the theater commander. That is, the man in the field is a czar and he carries, in time of war, life and death powers over his men. Since the theater commander is more familiar with his immediate problems than we are, it is essential that we maintain that concept if the Army is to be effective when it is far removed from direct supervision and the sources of supplies. It is very easy to carry that concept over to the Executive side and to try to operate in this country and in the executive branch on that basis. As a result, men who cannot put up with outside dictation—men who are great successes in private life—come in and leave in six to ten months. They go back home and talk only of red tape and frustration when actually, a little looking inward, and a little flexibility, and a little give and take would have produced quite different results. The easiest place to refuse to give and take is in your dealings with the Congress.

Now I have not gone into the long list of liaison operations that I could cover. It would include such things, for instance, as the fact that we receive in a six-month period in the Legislative Liaison Office of the Department of the Army, some 193,000 telephone calls from Members of Congress and their staffs. When you start breaking it into working days on the basis of the time required to handle them and when you find that you have had 19,000 written communications with Congress in a six-month period, you begin to find out that you have to have a very sizable operation in the Legislative Liaison Office. It is not measured in a few people; it has to be measured in hundreds.

At the present time we are reviewing in the Defense Management Council the operation of the Legislative Liaison Office to see what can be done to reduce its size. Well, size is justified only in terms of workload, and the workload is justified only if it has a place and if it is producing results, and I do not mean lobbying results. Now I have looked at the Legislative Liaison Office from every single angle and I have come to the conclusion—and I am speaking from my personal standpoint which may not be the accepted conclusion of the entire Department—that this is one of the most important services and one of the most important offices that we have in the Department of Defense and the Department of the Army, because it is through this office that we make our reports to Congress, many of them the unofficial reports which are often of more importance than the official reports. I think that we serve Congress through these reports just as much as we serve the Department of the Army and the public.

Looking ahead, I think that with every change of personality down here many mistakes will be repeated. I am sure that all of us sitting in this room are repeating mistakes made by our predecessors. One of those mistakes which I am seeking to avoid repeating, and which I am indoctrinating those in our group against, and which your attendance here indicates you are interested in, is the mistake of thinking that a bureaucrat is an autocrat. As long as everybody has the will to make the check and balance system work, it will work. But just as soon as we convert the use of power to the abuse of power and begin to operate independently, just that quickly are we in trouble and on the front page.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN THE BUDGET PROCESS AS VIEWED BY THE LEGISLATOR

MELVIN R. LAIRD*

IT IS INDEED a great honor for me as a freshman Member of Congress to participate in this series of discussions of legislative-executive relationships which have been designated as the William A. Jump-I. Thomas McKillop Memorial Lectures in Public Administration for 1953.

In honoring the memory of Mr. Jump and Mr. McKillop, the U. S. Department of Agriculture Graduate School also is honoring the memory of many government employees who have exemplified the very best in public service. Many public employees are very little known to the general public back in our congressional districts, but since I have been in Washington, I have come to know many of these public officials who are making a real contribution to good government.

Mr. Jump, as Director of Finance in the Department of Agriculture, was responsible for many outstanding developments in good public administration. Mr. McKillop's efforts to improve the administration of the Rural Electrification Administration have been pointed out in other lectures in this series.

The subject which I have been assigned, that of "legislative-executive relationships in the budget process," is one of the most far-reaching and least understood problems in the complex division of powers and responsibility between the legislative and executive branches of our federal government.

In the legislative phase of the budget process there are four main steps: The Subcommittee hearings on the departmental estimates, the Subcommittee report to the full Committee, the main Committee report to the House, and the Floor consideration of the Committee report.

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Hearings on the departmental estimates begin early in the session and run for several weeks in the case of major departmental bills, such as that of the Department of Agriculture. This year the Subcommittee on Agriculture of the Appropriations Committee began its hearings on the Department of Agriculture appropriation bill on Wednesday, February 25, 1953. This Subcommittee was in session each day up to and including Tuesday, May 5, 1953. The Secretary of Agriculture, of course, was heard first and he was followed by the various bureau chiefs, Members of Congress, and private citizens who desired to testify. In the House of Representatives, all hearings are held in executive sessions. Only members of the Subcommittee and the scheduled witnesses are admitted to these hearings. Committeemen question the departmental officials as to their past expenditures, present activities, and future needs. The questions tend to be of a random, impromptu character, picking on this or that item in a spot-check quest for information. Those of us who are members of the Committee are faced in these hearings by departmental experts who certainly are schooled in the art of justifying their appropriation requests. A complete transcript of the testimony is published following the hearing.

I have found that the Subcommittees do not have enough expert help of their own. Our Subcommittee has one clerk. He is a very conscientious, hard-working man, but I do feel that the staff is inadequate to keep the Committee fully informed of the Department's administration and needs.

Secretary of Agriculture Benson outlined in his opening statement before our Subcommittee the considerations that he must take into account in drawing up his budget request to be submitted to the Congress. The considerations which he outlined are much the same as the considerations which guide the legislative branch. It was necessary for the Appropriations Committee to take into account these factors in drawing up its recommendations:

First, the agricultural laws must be fully and faithfully executed and the activities essential to a sound agricultural economy must be maintained.

Second, research programs should be strengthened and redirected to make the maximum contribution to current problems with full recognition of state, local, and private participation in research work and scientific development work.

Third, savings should be made by finding more economic and efficient methods of operation.

Fourth, every effort should be made to withdraw and curtail federal expenditures for activities where state and local governments, and private enterprise can and should assume more responsibilities.

The task of drawing up a budget bill for a department such as the Department of Agriculture is indeed not an easy one. The Appropriation Committees in the legislative branch of government should not have to rely upon the findings of the Bureau of the Budget which is responsible to the executive branch of government. But because of the

limited staff and inadequate research facilities which are at the disposal of the Appropriations Committee, representing the legislative branch of the government, it is necessary for this branch of our federal government to give heavy weight to the findings of the executive branch presented through the Bureau of the Budget.

The Bureau of the Budget for many years had only a small staff and operated within a narrow framework. It has become an effective arm of the executive branch of government operating through the President of the United States. It speaks for the executive department alone. In many States, this has not been allowed to happen. The State of Wisconsin, with which I am familiar, having served for the past six years on the Joint Finance Committee of the Wisconsin State Legislature, has set up its State Budget Bureau as an arm of the legislative branch of our government rather than the executive branch. This has been done in Wisconsin because it was the feeling of the people of our State that the legislative branch of government had the responsibility under our State constitution, as the legislative branch of government does under our federal constitution, to control the purse strings of our State. Our founding fathers in drawing up our federal constitution provided that all money matters, such as taxation and appropriation, should originate in the House of Representatives. The procedure to be followed was that the legislative branch of government would set the maximum spending authorizations under which the executive branch of government could operate for the coming year. It seems to me that today in our Federal Government this procedure is no longer in practice. The spending authorizations which are set by the Congress do not become the maximum spending authorizations at all but seem to be interpreted by many departments and bureaus as the amount of money that should be spent during the coming year. Certainly this reasoning is erroneous as the executive department should, at all times, try to limit spending to the authorizations approved by Congress with the objective of eliminating all unnecessary expenditures of federal funds wherever possible.

The legislative branch of government must insist that the various executive agencies of government, in making their recommendations to the Appropriation Committees, recommend only those funds which are necessary to carry out the functions the agency is assigned under present legislation. The legislative branch must insist, and should expect, that during the year every effort will be made to revise these estimates downward, even after a spending authorization has been approved by the Congress. Public Law 759, section 1211, subsection 2, provides that the various executive agencies of government should continually review the spending authorizations as passed by Congress not with the view in mind of using these spending authorizations, but of curtailing their use in the fiscal year for which they were authorized.

There is a growing feeling in Congress that appropriation procedures need to be strengthened. This year the Appropriations Committee had a special task group which worked on various sections of

the federal budget. Members of this special task group were certified public accountants and other research experts who came to Washington for a period of four months to help the House Appropriations Committee carry on investigations of various executive agencies. The work of this special task group has been invaluable to the various Subcommittees of the Appropriations Committee, but it is most difficult for the men making up this group to leave their various research positions throughout the country to come to Washington for four months and in a short time become adequately acquainted with the various agencies of the Federal Government. There are many advantages, however, in using their skill and ability as they report directly to the Appropriations Committee and are not responsible to any agency in the executive department of government. After their examinations were finished, these temporary investigators returned to their positions in private industry or to their positions in various departments from which they were on loan. Any investigator who has borrowed from a federal agency was not used to examine the agency in which he normally worked.

The methods and procedures used by the legislative branch of government were undoubtedly adequate twenty-five years ago in passing upon an annual budget of less than \$4,000,000,000. It seems to me, however, that they are not adequate to cope with the 78.7 billion dollar budget which was presented to the Appropriations Committee in January. Members of the Appropriations Committee through continued service had sufficient information in most instances to pass intelligently upon the far smaller budget request of twenty-five years ago. Today, our Federal Government has vastly increased in size and complexity with numerous activities and programs extending not only throughout this country, but throughout the entire world. This has resulted in a federal budget which has become so big and complex that the Committees of Congress are not able to deal with it in the most efficient manner. For this reason, the Appropriations Committees in Congress have become more and more dependent upon the Bureau of the Budget in the executive branch of government. This dependency is a dangerous departure from the fundamental concept of the division of duties and responsibilities between the executive and legislative branch of government.

I am speaking here of an important principle and am not referring to the political significance involved in such a discussion. Whether the executive branch of government is controlled by the Democratic or the Republican Party makes little difference to me as far as this principle is concerned. The executive branch of government has the function of making recommendations as to the amount of funds which in its judgment is necessary to run the various agencies of government, but Congress has the responsibility and the duty of exercising absolute and complete control over the purse strings of our Nation.

The problem of budget making is the most important problem facing the executive branch and the legislative branch of our Federal

Government. It is particularly important in view of the fact that this country has a national debt of \$267,000,000,000 at the present time and, in addition, has outstanding spending authorizations of previous sessions of Congress, not as yet reflected in this national debt figure, totaling \$81,000,000,000.

The future prosperity and development of our country are directly dependent upon the budget processes used by our government. In order for our federal budget procedure to be successful, the executive branch of government must be willing to keep the legislative branch of government completely informed on its activities. The legislative branch must have trust and faith in the executive branch. Both branches being responsible to the people of our Nation, must answer to them on election day.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN BUDGETING AS VIEWED BY THE EXECUTIVE

FREDERICK J. LAWTON*

ACCORDING to the assignment given me in this series of lectures, I am supposed to present to you today some observations on legislative-executive relationships in budgeting from the angle of the executive branch. I do not regard it as my job here to outline a particular institutional point of view. Unless we come to grips with the entire complexity of legislative-executive relationships, unless we free ourselves from the limitations of our own working experience, we will not be able to reach useful conclusions.

As most of you know, it happens that my vantage point has been on the executive side. You have to bear that fact in mind in considering my line of reasoning. Yet I myself would like to forget any particular angle and keep before me only what I know to be the requirements of effective government. These requirements are of great urgency at a time when the United States has assumed vast responsibilities not only for the welfare and security of the American people but also for the survival of freedom throughout the world.

I shall discuss first some of the controlling factors in legislative-executive relationships. Then I shall outline the budget process in the context of these relationships. Finally, I shall deal briefly with some of the more recent proposals for strengthening Congress in its budgetary operations.

The problem of legislative-executive relationships is frequently seen as the direct and inevitable outgrowth of the separation of powers. It is true that the system of divided powers as written into the Constitution in categorical language has no counterpart in any

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other political system. Nowhere can one observe as sharp a distinction as is established by the Constitution in giving the legislative power to Congress and the executive power to the President as the embodiment of a coequal branch of government.

Still it is easy to see that the separation of powers would be something quite different if it did not operate on the basis of an electoral system which fosters localism and pressure groups. The separation of powers would be something quite different if it operated under the influence of a party system which developed solidarities around general programs for governmental action—equally meaningful for the membership of Congress and the President. In other words, those who simply lay the complications of legislative-executive relationships to the separation of powers see only part of the picture. The other part—and the larger part—comes to light in those factors of law and usage that explain the difficulty experienced by Congress in attempting to function as a unified and self-directed institution.

To be sure, we have learned from experience that the most productive type of society is the kind of diversified society which exists in our country. A diversified society must reflect its divisions in the composition of the national legislature. If it were otherwise, it would be hard to see how representation could be attained in a democratic manner. What is important for my purpose here, however, is to suggest that the splintering effects of interest representation in Congress run counter to the practical maxim that the business of governing makes necessary a unified structure.

In this matter, the executive branch, under the Constitution, is more satisfactorily organized. For reasons persuasive in their own day—and increasingly persuasive in our time—the Founding Fathers insisted upon unified direction of the executive business of the nation under a single Chief Executive. This arrangement has provided the executive branch with considerable capacity for compounding different interests into a working formula for the pursuit of the common good. Congress, on the other hand, has for the most part remained without suitable machinery for initiating and enforcing broadly balanced programs for the attainment of national goals.

In the light of these considerations, it becomes very plain that legislative-executive relationships will continue to be molded by the stubborn realities of Congressional-Presidential government. The natural pulls and strains that run through a society of autonomous interest groupings will normally keep Congress and the President on different tracks. The basic reason, as I have tried to indicate, does not lie simply in the division of legislative and executive power. It lies in differences of political perspectives, which in turn are influenced by interest relationships. The political perspective of Congress is affected closely by the perspectives of its individual members, who have their political roots in their district. The President's perspective is necessarily national—not local.

It follows that those who have prescriptions for the improvement of legislative-executive relationships should first give appropriate atten-

tion to the controlling facts in the constitutional situation. Only by assessing these facts with calm objectivity can we discover the points where it would be practicable to attempt modifications in the existing arrangements in order to increase the effectiveness of our public management.

Against this background the tested value of the national budget system stands out in a doubly impressive way. Here, in the annual formulation of a comprehensive work plan for the Federal Government, a bridge has been erected between the legislative and the executive branches. A means of cooperation was found thirty years ago by the congressional architects of the Budget and Accounting Act which, as a basic governmental procedure, has been effective in a continuing way. Under this procedure, with the groundwork done in large measure on the executive side, Congress provided itself with a practical basis for instructing the departments annually about the programs to be carried out and the scale of individual activities.

Development of the budget process has introduced significant refinements into congressional control over the executive branch. Legislation, of necessity, confers responsibilities and grants authorizations to departments in quite general language. If an agency is directed to perform defined functions under law, it would still have wide discretion in determining how much or how little should be done in the performance of each individual function. Budgeting is like a mechanism for pumping fuel into the engines of government. It reserves for Congress the full opportunity for saying, on a year-to-year basis, in what scope and at what rates of progress departments should carry out their statutory assignments.

Budgeting is a bridge between the legislative and the executive branches also because it provides a method of reaching decisions of policy and administration in an orderly and informed way. Under the Budget and Accounting Act, the President was charged with the task of placing before Congress each year a complete budget as the plan of work for the whole Government. It was recognized clearly that the President alone had the constitutional standing to give a proposed budget the support of political responsibility. It was also recognized that he alone, as Chief Executive, was in a position to make available to Congress all the detailed technical information at his disposal throughout the executive branch. Congress, in turn, thus gained a stronger foundation for critical examination and final approval of the budget proposed by the President.

The importance of the Budget and Accounting Act as a milestone of responsible management has been pointed out frequently. Perhaps it is useful here to stress what I would like to call the constitutional significance of this legislation. Its constitutional significance lies in the achievement of a durable procedure for cooperation between the legislative and the executive branches. This bond of cooperation is of ever increasing consequence because the budget has emerged as the

key document which controls the conduct of the entire business of the Federal Government.

The budget process as a procedure for cooperation between the legislative and the executive branches gains its strength from three basic elements. As I see it, the first of these, though sometimes pushed into the background, is the mutual appreciation by both branches of the need for approaching the budget as a joint effort. Only when there is acceptance of the cooperative implications of budgeting can one expect the greatest benefit from the budget process. A second element is the full utilization of the President's responsibility as constitutional head of the executive branch for the budget he submits to Congress. The largest returns accrue to Congress when it helps to keep the exercise of the President's responsibility unimpeded. The third necessary element of the procedure is free flow of budgetary information from the executive branch to Congress.

When I emphasize the value to Congress of the President's direct responsibility for the budget I do not mean to suggest that the President would or should ignore the interests of his principal advisers—the heads of the executive agencies. In actual fact, as many of you know, the preparation of the budget in the executive branch is a large-scale and intensive operation which, at various points in the sequence of stages, brings into play the judgments of a large number of responsible operating officials. This is both good and inescapable. One reason for wide participation in budgetary decisions is the obvious fact that budget-making for the entire Government is too big a job to be done by any agency singly, even when that agency is charged with explicit statutory responsibilities in the field, as is the Bureau of the Budget.

No less important is the fact that the President would hardly want to speak for the executive branch without being sure that he has tapped all the counsel available to him in his official family. In order to come forth with a well-considered budget, the President must place much reliance not only on the factual information but also on the evaluative judgments contributed by experienced and politically sensitive administrators. Consultation is essentially a way of give-and-take. In other words, although even the soundest advice is never automatically compelling upon the one charged with making the decision, nevertheless under normal circumstances he will not find it easy to brush aside thoughtful advice once it has been supplied.

Moreover, as a knowing observer once put it, department heads, whether or not possessed of political ambition, may be conscious of standing in a competitive position to the President. They may show little solidarity with him on issues affecting their own agencies. It is clear, therefore, that the budget submitted by the President could fall apart in Congress if strong subordinates undertake to convey their opposition.

When the President presents Congress with his budget, he therefore submits a document that rests on many vital agreements. But he

must retain and defend the integrity of decisions that result from his more inclusive field of vision. There is reasonable assurance in the operation of the budget process that the various special points of view within the executive branch find recognition, yet they cannot be allowed to run roughshod over the more general points of view typical of the level of the President.

In brief, the pressure within the executive branch for specialized functional objectives—as in the promotion of business, labor, or agriculture and in a host of similar fields—is met by a strong counterpressure in support of general solutions based on coordination. But reconciliation of positions is accomplished not by command but by a meeting of minds. It is not to be assumed, of course, that the end product is perfect. It is important that the end product come as close as possible to representing a general executive position, by and large accepted by all concerned.

One thing that is not understood widely is the degree to which the budget process, in compounding executive positions, at the same time brings to the fore the attitudes of interest groups and the tendencies likely to emerge in Congress. One reason is that the President is naturally anxious to come forth with a budget that would appeal to public opinion as well as to most of those who exercise influence in the political arena. As Chief Executive interested in carrying out the Government's program, the President is obviously more concerned with a practical work plan than with a propaganda document.

In addition, of course, the individual departments in most instances have quite close relations with particular clienteles and individual committees or leading figures in Congress. As a result, internal consultation within the executive branch about the President's budget has also external aspects. Such consultation casts light not only on departmental preferences but also on the political scene, especially the trends of thought prevailing in Congress.

What this means is that the President, when making his final decisions on the budget, has the advantage of many different strands of information. He acts on the results of examination carried on in the first instance within the different departments, and subsequently on a broader scale by the Bureau of the Budget. All of this serves to relate governmental programs and performance to the needs of the next fiscal year. But the President also has before him a picture of the positions taken by interest groups and congressional committees, and of the currents of public opinion and general congressional sentiment as well. In this respect, the Bureau of the Budget will regard itself responsible for bringing to the notice of the President any congressional expressions of general budgetary policy, especially the views of the Appropriations Committees and other congressional committees having across-the-board responsibilities, like those of the Budget Bureau itself.

True enough, there will always be occasions when the President feels duty-bound to press for the recognition of issues on which mem-

bers of Congress may have a neutral or even a negative attitude. To draw the attention of Congress to these issues—including issues that do not enjoy universal popularity—is one of the burdens of statesmanship. It is at the same time an essential feature of Congressional-Presidential government. On the other hand, in order to foster the general interest as he sees it, the President needs to give thought to what support is likely to emerge for his proposals within the legislative branch.

As a staff agency of the President, the Bureau of the Budget exerts no direct influence in the legislative handling of the budget. Its indirect influence is confined to what it contributes toward a satisfactory presentation to Congress of information helpful particularly to the Appropriations Committees. One thing, however, should be remembered. The budget as submitted expresses the President's policy recommendations. The Budget Bureau is not meant to have a policy position of its own. Nor could the Bureau be expected, in view of its staff character, to depart from the policy positions of the President. What the Bureau is intended to do—and what it is reasonably well equipped to do—is to serve as a dependable source of interpretive as well as factual information.

Only in a secondary respect does the Budget Bureau move outside its informational role, and then only upon congressional demand. For example, the Bureau may be given specific authorizations under appropriation language to take care of certain minor budgetary problems, like approval of transfer of funds. On the basis of general law, the Bureau has the additional duty to report promptly on instances of departmental use of funds that would lead to deficiencies. Sometimes Congress has charged the Bureau with the task of determining reductions all across the executive map to meet a figure set by Congress in acting upon the President's budget. This, however, is a rather rare arrangement.

There are different ways in which the Budget Bureau provides Congress with information. In the first place, in accordance with the Budget and Accounting Act itself, the Bureau must furnish such information as is called for by any of the committees of Congress concerned with finance, whether revenue or appropriations. These requests fluctuate in numbers, and are usually more frequent during the period when the President's budget is in preparation and when things are being gotten ready for the hearings held by the Appropriations Committees.

Another customary form of making available to Congress the budgetary information of the executive branch is through testimony by the Director or other officials of the Budget Bureau. As you will recall, the explanation of detailed budgetary requests before the Appropriations Committees is offered generally by the individual agencies. Testimony by officials of the Budget Bureau usually centers upon matters of general significance for the executive branch as a

whole or upon amplification of information previously supplied in the testimony of officials of individual agencies.

As may be expected, there are usually discussions between Appropriations Committee staff and staff of the Budget Bureau. These discussions, however, look to particular problems and respect the separate institutional responsibilities of the two branches under the Budget and Accounting Act. Special reports asked for by congressional committees are another avenue of information transmitted from the Budget Bureau. Occasional details of Bureau staff to congressional committees and a considerable variety of informal staff contacts are further illustrations of the exchange of knowledge.

But in this whole picture I wish to refer especially to the Budget Bureau's role as the President's legislative clearing house. Under the legislative clearance procedure—established by the President at the suggestion of the Chairman of the House Appropriations Committee as early as 1921—both congressional committees and executive agencies use the Budget Bureau to find out whether a specific legislative proposal is in accord with the program of the President. This procedure has the significance of a signal system by letting congressional committees and individual members of Congress know what the position of the executive branch is with respect to particular legislative proposals.

As I indicated earlier, the importance of the budget process as a method of regularized cooperation between the legislative and the executive branches should always be appreciated anew because it might otherwise too readily be taken for granted. I do not mind adding that in the protracted discussion of ways of improving legislative-executive relationships in the field of budgeting there is often too much of an implication of presumably serious deficiencies yet to be overcome. It would be better to begin with a thoughtful appraisal of the structure of relationships that has developed between the two branches since the adoption of the Budget and Accounting Act, and specifically during the past decade or so, in order to figure fruitfully what might be done further.

It is in this light that I should like to touch briefly upon the innocent panacea that has been suggested off and on throughout the years—the idea of an “independent” Budget Bureau. It is not too clear just how such independence could be guaranteed and what results might flow from it. It is obvious to me that this whole concept falls outside the frame of our Congressional-Presidential system of government, because true independence of an agency that made fundamental financial determinations binding on all other agencies would actually amount to political irresponsibility. There is implied in the concept of an independent Budget Bureau a bureaucratic supremacy exercised by a body of experts who would impose their infallible judgment on all concerned. If the experience of the last three decades has made clear anything, it has borne out the wisdom of the congressional builders of the budget system in embedding the budget process in the structure of constitutional responsibility.

Another suggestion that has been made at times is for a congressional Budget Bureau. This might mean a transfer of the existing Budget Bureau to Congress. If it meant that, the proposal would entail grave weakness by bringing about three highly undesirable consequences. The first would be the divorce of budget preparation and budget administration from the judgment of the Chief Executive about what activities and what funds are needed for the effective conduct of the Government's business. The second would be the destruction of the intimacy of the Budget Bureau's contacts with the wealth of detailed information now available to it within the operating services. The third would be the elimination in the budget process of that focal point for nationwide perspective and coordination which we possess in the Presidency. If, on the other hand, the idea of a congressional Budget Bureau rather meant an agency to serve as the congressional counterpart to the Budget Bureau as we have it now, the matter would reduce itself to a question of congressional staffing, especially of the Appropriations Committees. Such staffing, of course, must not lead to the result of having the same job done twice at different places.

Both of these ideas—that of an “independent” Budget Bureau and that of a congressional budget agency—have proved alluring to those who see a simple remedy to the tremendous increase in the size and scope of the budget during recent years. No one would deny that this development has produced entirely new and challenging problems for Congress. Forty years ago, the Federal Government's expenditures were less than 700 million dollars or about two and one-half per cent of our total national income. With such a level of Government, problems presented by spending, borrowing, or debt management were of a lesser order. Today the economic and social implications of fiscal policy are of far-reaching importance to all of us. In a fiscal year, for example, when the Government takes more than 25 per cent of our national income, the budget is certainly one of the most significant factors in the economic and social life of the nation.

I always have been impressed by the knowledge and understanding which so many members of Congress, particularly those on the Appropriations Committees, apply to the countless budgetary issues coming before them. Yet I feel that in approaching the budget, there is a tendency to get immersed in the complexity of the detail without first considering the broader determinations which have generally dictated the size and scope of the budget.

As I have suggested on previous occasions, the problem is a twofold one. First, there is the need for identifying and agreeing in Congress on the kind and amount of information that is required to evaluate both the budget as a whole and its thousands of component parts. And second, there is the need for providing within the Congress itself the kind of arrangements to insure the best use of this information.

With respect to the first part of the problem, I believe that there is a general misconception about the kind of information necessary

to test the validity of the budget. The size and emphasis of the President's budget is not governed by a multitude of unrelated decisions on individual items and activities. The major determinant in any budget is whether a given activity should be conducted at all, and if so at what level. All decisions on individual activities must be made in the light of broader factors—primarily the expenditure and revenue outlook, the international scene, economic conditions, and provisions of existing law.

These are the kinds of questions the President faces again and again in the preparation of the budget. Long before detailed estimates are prepared by the agencies, the basic decisions have been reached which, together with mandatory expenditures under existing law, control the broad outlines of the forthcoming budget. A forecast of changed economic conditions in relation to requirements of existing law, for example, may change the expenditure needs for veterans programs by more than \$1 billion. The same assumption applied to other programs, such as public assistance grants, can also add or subtract hundreds of millions in the Federal Government's expenditures.

Certainly Congress, for its scrutiny of the budget, should have all the information that is needed to view independently and with full understanding the budgetary needs of the Government. I am inclined to think, however, that this is not simply a matter of increasing the quantity of information to be placed before Congress. Instead of being a matter of quantity, it is first a matter of the relevance of information. That is to say, instead of knowing more about the lesser detail of individual budgetary proposals, Congress might want to know more about those matters, issues, and problems that govern the budget in its main elements and as a whole.

I think that Congress, particularly in recent years, has made progress in obtaining from the executive branch much of the information that is essential to an appraisal of the Government's fiscal requirements. There has been, however, considerable debate within Congress over the question of the best organization and procedure to permit an adequate review of the information now available to it.

Three major types of congressional action affect the budget—authorizations, appropriations, and taxation measures. The authorizing bills are handled by the substantive committees. The appropriations are considered by the two Appropriations Committees. And taxation bills come before the Committee on Ways and Means in the House and the Committee on Finance in the Senate. Nowhere, however, does Congress pull the whole picture together.

To repair this situation is the motivation behind the idea of a Joint Committee on the Budget. In its more recent form, the proposal—going beyond the Legislative Reorganization Act of 1946—would provide an investigative committee with staff to do for the Appropriations Committees the work which the Joint Committee on Internal Revenue Taxation now does for the House Committee on Ways and Means and the Senate Committee on Finance. This would add to the

facilities already at the disposal of the Appropriations Committees. While a joint staff might save overlapping and duplication between the two houses, I believe that the proposal would be successful only if the Appropriations Committees themselves came to the conclusion that they want a joint staff and will use it. Actually, there is sharp division on this point.

My own criticism of the proposal from the standpoint of equipping Congress with a method of evaluating fiscal requirements is that the projected role of the joint committee rests heavily on the expenditure side of the budget. It touches only very lightly on the two equally significant aspects of budgetary consideration—revenue requirements and authorizing legislation. The revenue side of the budget must be considered in relation to the expenditure side. Still more important, however, is the review of the fiscal effects—especially the effects upon subsequent budgets—of authorizing legislation, which is introduced and considered in every session of Congress. Such analysis is at present beyond the purview of the Appropriations Committees or any other single committee in either house.

Another idea is that of a single annual appropriation bill, as a sort of logical counterpart to the fiscal integration achieved in the budget submitted by the President. A more sweeping proposal, discussed at some length in recent years, would make a number of changes in existing budgetary practices and procedures. (1) It would enact into law as a statement of congressional policy the objective to balance the budget and provide for a reduction of the national debt under conditions of high employment, production, and purchasing power. (2) It would require that the annual economic reports of the President or the economic reviews of the Council of Economic Advisers set forth a four-year estimate of desirable levels of governmental expenditures and receipts. (3) It would give the President the item veto, exercised by most governors. (4) It would require that budget estimates transmitted to Congress be based on a consolidated cash statement. (5) It would require a separation in the budget of investment-type expenditures from operating expenditures and, in addition, four-year estimates of investment-type expenditures in appropriate detail. (6) It would provide for appropriations for major nonmilitary investment-type programs to be available for four years.

In the matter of a statutory "freeze" of fiscal policy, it might be questionable whether such policy can or should always be based on only one or two major objectives. In time of war, for example, whether hot or cold, even though production and employment are high, it may be impossible to balance the budget without such drastic tax increases that incentives to needed war production are impaired. Similarly, a statement of major objectives of fiscal policy should probably also take into account the need to meet essential levels of public service and to provide a balanced and equitable tax system.

As for four-year projections of desirable levels of expenditures and receipts related to the gross national product, our experience in the

Bureau of the Budget indicates that long-range estimates are an important and necessary step in developing better guides for fiscal policy. Many problems remain to be solved, however, before the present exploratory work reaches a stage which would warrant the establishment of a statutory requirement.

The increasing recognition by both the public and Congress of the usefulness of consolidated cash totals has contributed to a better understanding of the economic significance of fiscal policy. While therefore greater emphasis upon this approach to budget presentation is desirable, some limitations should perhaps be pointed out. Even in measuring the economic impact of the Government's financial operations, presentation on a consolidated cash basis goes only part way. It does not, for example, differentiate between those expenditures or receipts which have immediate or pronounced effects on the economy and those which have not. Moreover, since fiscal policy cannot be based exclusively on economic considerations, more than one type of budgetary presentation is necessary as a guide for policy decisions. There is no single "all-purpose" classification or presentation of budgetary facts which will meet all the needs of Congress, the President, and the operating agencies.

With respect to a separation of operating expenditures from capital and other investment expenditures, the Budget Bureau has long recognized the need for a budget classification which would identify expenditures of an investment or similar character. A special analysis published for the first time in the budget for 1951 was presented as an experimental effort to provide a tentative new classification of expenditures according to the duration and nature of benefits flowing from them. Improved data have since then become part of the budget document. One of the major problems is, of course, the definition of investment and similar expenditures.

Four-year availability of appropriations for investment programs may both encourage advance planning and allow the executive branch greater flexibility in timing expenditures for these programs in the light of changing economic conditions. Orderly planning of advance commitments for such investment programs is one of the most difficult but most important objectives to achieve.

The most important and most controversial of the proposals for budgetary reform is the item veto. There have been differences of opinion as to whether a constitutional amendment would be required to give the President this power or whether legislative action would be sufficient. The need for the item veto is increased in case Congress makes use of the so-called omnibus appropriation bill, as it did in 1950. A single appropriation bill magnifies the problem of legislative riders on appropriation acts. The experience in 1950 with the consolidated appropriation bill strengthens my belief that a single bill is fertile ground for the inclusion of legislative riders, despite restrictions in the Senate and House rules relating to legislation in appropriation bills. Practically speaking, therefore, it would be better first to provide for the item veto before action is taken to consolidate

appropriations into one bill. Unfortunately, the probabilities of successful legal attacks upon the item veto when this is based simply on legislative rules seem somewhat greater with respect to riders than with respect to appropriation amounts.

So much for some indication of the nature of proposals advanced in recent years to strengthen further the legislative-executive relationships which have developed in such remarkable consistency under the Budget and Accounting Act. As I conclude, I seem to end up with these principal points:

First, only a utopian would imagine that the underlying factors of Congressional-Presidential government would yield to mere procedural elaborations of the budget process. A significant improvement in legislative-executive relationships must cut more deeply. Here the critical question is how Congress itself looks upon the way it is organized internally for asserting its institutional identity and unity.

Second, there is nevertheless wide agreement that room exists for procedural perfections in the present state of legislative-executive operations in regard to the budget. In fact, in matters of management nothing should ever be regarded as the last word on how a thing is to be done. Complacency in this matter is a dangerous narcotic. But I am far from sure that each proposal for improvement brought forth during these past years has been examined with sufficient care in all of its implications. Nor do I feel that it would always be to the benefit of good government to enact proposals into inflexible statutory requirements when cautious experimentation appears a more fruitful course. Above all, the mental reservations toward many of these proposals expressed in the Appropriations Committees certainly deserve respectful attention.

Third, it might be well for me to refer in this context to the pioneering activities of the joint accounting project, which was undertaken with strong congressional support by the General Accounting Office, the Treasury Department, and the Bureau of the Budget. What we need perhaps is some such joint project to explore with care the field I have discussed here, with continuing participation of the Appropriations Committees or also other committees of Congress. No one could know what would be the outcome. But it might help to clear the air.

And fourth, in whatever is done we should be a little closer to earth than we have been so often of late and firmly reject the implication that this or that innovation will in itself produce telling economies. The reckless overselling of ideas is one of the less satisfying aspects of the political process. When it comes to significant economies, no device and no mechanism can automatically do the trick. This is a matter of unwavering determination of priorities, and the resistance to such priorities is spread all over the political landscape.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN THE ADMINISTRATION OF PROGRAMS AS VIEWED BY THE LEGISLATOR

GEORGE D. AIKEN*

ONE OF THE most significant impressions to be gained from the subject of legislative-executive relationships in the administration of programs is that these relationships are fluid and are never static. They change from Administration to Administration, from year to year, from month to month, and even from day to day. Moreover, these relationships do not move always on a broad, uniform front. Like a typical weather map of the United States, there are in legislative-executive relationships cross currents, high and low pressure fronts, counter currents, and fronts within fronts.

The executive branch does not always have unified, concerted agreement regarding the administration of programs, as witnessed by the fact that agencies and agency heads have been known to be at odds, for a time at least, with each other or even with the Chief Executive. We know also that among members of Congress, there are many voices. Some speak, in their role as legislators, for the party; some speak for special groups of identical or closely related interests; some speak for Committees; and some just speak.

At times it is difficult or well-nigh impossible to tell what the dominant policy is or who is making it. But usually a working policy emerges and the forgers of this policy come to the fore. This admittedly may sound confusing, but the fact is that this hammering-out process in our democracy is a point of strength rather than one of weakness.

In instituting our system of checks and balances the architects of our Constitution set the stage for a certain amount of rivalry between the legislative and executive branches of government. This inevitably leads to strained relationships at times between these two arms of government. The men who drafted our Constitution provided for a Chief Executive to be chosen by the people. He was invested with broad powers, including the veto power which makes him a part of the legislative process. The President's powers are so broad as to permit him, in extreme cases, to indulge in official and unofficial favoritism. He may have around him court jesters and an entourage of cronies and influence peddlers, or political amateurs, if he is so disposed.

As for the more serious functions of the President, he is considered to be the leader of his party; he is the representative of the Nation in

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international affairs; he is Commander-in-Chief of the armed forces; and he exercises administrative supervision over the executive branch of the government.

The Congress likewise has broad authority, including the power of enacting, amending and repealing legislation; of investigating; and of appropriating. The Senate also reviews presidential appointments to high office and advises and consents to treaties.

While Articles 1 and 2 of the Constitution in effect prohibit the Congress from exercising executive functions and the President from exercising legislative functions, we have learned that the distinction between legislative and executive functions can become blurred. It is significant to note that the draftsmen of 1787 did not attempt doctrinaire, hard and fast definitions of legislative and executive powers but, rather, placed reliance in the mechanics of the Constitution for the maintenance of checks and balances.

The purpose of vesting the legislative powers in two houses of Congress and in making the presidency a part of the legislative process by requiring that all bills be submitted to the President for approval or disapproval was to disperse power and to keep it from becoming concentrated. It is in such checks upon powers, rather than in the classification of powers that our governmental system finds equilibrium.

Taking the long view of history, presidents have done pretty well in taking care of themselves. The extent to which a Chief Executive has become a dominant character has depended on a number of factors. Basically, his physical, moral, and mental capacities have been important factors, but there is no denying that circumstances and the fortunes of the economic and political pendulum have played a heavy part also. The fulcrum of power swings back and forth over the long span of time, with the chief Executive tending to dominate during periods of wars and domestic crises. As reaction to the concentration of powers in the hands of the president sets in, the Congress tends to recover its prestige.

Executive and legislative differences in the administration of programs usually boil down to the question of whom will exercise the dominating influence. Under the theory of separation of powers, which presupposes that Congress and the President share the power to rule, there does not seem to be any way to settle, once and for all, the exact line of authority between the executive and legislative branches. I do not intend to imply that the situation is hopeless or unworkable or that the two branches are destined to be eternally deadlocked by bickering and acrimonious maneuvering.

I shall now direct my remarks more specifically to the heart of the subject assigned me, with special emphasis upon the "as viewed by the legislator" part of the title. Much unnecessary and fruitless controversy could be avoided if members of Congress were kept better informed of administrative programs.

It would be very helpful if executive officers kept legislators advised as to affairs of state, and in turn could themselves be kept up to date on legislative progress and viewpoints.

During the 13 years I have been in the Congress, a great deal of the controversy between the executive and legislative branches of government has resulted from the failure of administrators to let Members of Congress know what was going on or what was in the wind administratively. At present there is better cooperation in this respect than in the years just past. This condition, however, usually prevails when a new administration comes into power.

The trouble comes later on as a growing accumulation of disagreements leads to suspicion, rivalry, and finally conflict between the two branches. Sometimes this conflict reaches the point where the public welfare is not served but actually suffers. Under the two party system, the voters then step in and resolve the issue by voting into power a new administration or a new Congress. This expression of the voice of the people is the voice of democracy as the founders of this Nation intended that it should be.

Like so many other fields of endeavor, the whole issue of harmony in the carrying out of programs boils down to a question of human relationships. Under circumstances where people know each other and understand each other, there naturally is a more solid common ground for understanding.

It is obvious also, from the viewpoint of the legislator, that the executive branch cannot hope to win friends and influence legislators if they blame the legislative arm of government for everything that goes wrong or use the Congress as a whipping boy for political purposes. It is a matter of common knowledge that this is exactly what happened in the presidential campaign of 1948. Fortunately, this device for winning elections cannot be used over and over with equal success. The ultimate sound judgment and good sense of the American people, as demonstrated at the ballot box, is the foundation for the birth, growth, and future of our democracy.

Another deterrent to good relations between the two branches of government is the tendency sometimes of executive officials to defy or misinterpret the intent of Congress in carrying out programs. This has happened all too frequently in the past and may conceivably recur in the future. The head of an agency may have his own ideas as to what the legislation ought to mean. He decides that he does not want to follow the intent of the Congress. He calls on his solicitor for an interpretation and the solicitor, who is appointed by the agency head, has little alternative but to go along with the particular interpretation desired by the top administrator or take the consequences.

The Department of Justice, which under the framework of our government has responsibility for interpreting the Acts of Congress to administrators, is by-passed by this process. The Comptroller-General cannot cope effectively with a situation of this nature because his authority is limited largely to a determination as to whether or not

the money appropriated for the activity in question was spent in accordance with the letter of the law.

The Congress has no routine means by which it can hold the executive branch accountable for the exercise of its powers. Aside from the impeachment proceedings which can only be used against individual administrators, the only redress the Congress has is to pass more specific or more detailed legislation.

In the earlier days of our Republic the Congress followed the practice of laying down rather specific, detailed programs. As the Nation has grown, and the economy has become increasingly complex, the theory has tended more toward the idea that the Congress should chart the broad framework of programs and administrators should handle details within that framework. If administrators persist in subverting the intent of Congress and force Congress to spell out the details, the whole pattern of legislation is changed, forcing a reversion to what is considered to be an obsolete pattern.

A long-standing example of failure of the executive branch to utilize and carry out the statutory intent of the Congress is to be found in connection with Section 22 of the Agricultural Adjustment Act. This section, originally enacted in 1935, provides for imposition of import quotas or fees whenever imports of agricultural commodities or the products thereof render or tend to render ineffective or materially interfere with any price support program or marketing order.

This provision calls for an investigation by the Tariff Commission after recommendation by the Secretary of Agriculture. Only five such investigations have been instituted in the last 17 years. Failure of the executive branch to use Section 22 led to the inclusion of Section 104 in the Defense Production Act of 1950 and again in 1952. Section 104 requires that imports of certain fats and oils, butter, cheese and other dairy products, peanuts, and rice and rice products shall be limited in accordance with the findings of the Secretary of Agriculture.

The present administration, in an effort to resolve this difficulty, has made positive suggestions for using Section 22 more effectively and has indicated a willingness to use it. Should the indicated action fail to be effective I look for the Congress to insist on some provision of law similar to Section 104 before its expiration date on June 30th.

One of the most exasperating experiences of the legislator is to see an administrative agency use governmental machinery and funds to lobby for or against specific legislation or appropriations, either during the consideration of a bill or after it is enacted into law. This is not merely a hypothetical example. It has been done.

Another problem which has given cause for increasing concern grows out of the tendency of some administrative agencies to join with special interest groups in lobbying for appropriations or programs. Agencies do have every right to bring to the attention of Congress the need for appropriations so long as this effort conforms to the bounds

of reasonableness and propriety. There have been many instances, however, in which these bounds have been exceeded. Naturally, any agency that becomes a part of a concerted alliance, privately instigated, for the procurement of funds will be beholden to the private groups, either directly or indirectly in the expenditure of these funds.

In considering this whole field of relationships in the conduct of programs, the administration in power inevitably must have an important hand in the formulation of legislative measures. It may be true that sufficient provision has not been made for this in our executive-legislative relationships. There are, however, compensating processes which tend to offset this inadequacy. These include committee hearings, requests by committees and committee staffs for assistance from the executive branch in working out legislation, and executive consultation with individual Members of Congress concerning the policy and form of legislative proposals.

It is important to bear in mind also the valuable service rendered by various organizations and individuals in suggesting the subject matter and scope of needed legislation. For instance farmers and their organizations, even though they differ among themselves, are the best sources of information as to what legislation is needed in the farm field and what policy that legislation should embrace. For an agency of government to attempt to speak for any segment of our economy is a dangerous development and can properly become a source of serious controversy between executive and legislative branches.

Let's consider now the rule-making powers of government agencies. The abuse of this power has at times been an exasperating problem. When administrative agencies go too far in exercising their rule-making authority, Members of Congress get caught in the middle because constituents appeal to the legislative branch for relief from unreasonable agency rules that are too harsh or which involve too much red tape. It is no secret that the promulgators of these rules can be adamant and arbitrary at times, as any legislator who has grappled with this problem can bear witness. This is one of the really sore spots which adds to the stress and strain of legislative-executive relationships.

This type of difficulty has been particularly pronounced in the emergency agencies and in the more or less independent commissions, rather than in the so-called old line agencies. Nevertheless, no matter where this rule-making power gets out of bounds, it has the effect of legislation by executive rules and orders. Attempts at appeals from these rules can be circuitous, frustrating, maddening, and fruitless at times. In the American system of checks and balances, the power to make regulations is quite different from that of the British system where Parliament delegates considerably more rule making authority to the Executive Branch than is considered possible or desirable under our Constitution. For example, the problem of government organization is delegated to the executive in England whereas under our system this authority is reserved for the Congress.

The fact that the legislative-executive branches are each independent and equal means that situations arise under which the administrative departments find themselves caught in the middle between the Chief Executive and the Congress. This narrows down to a question of whether the President or the Congress shall direct the administrative agency in the execution of the laws in this particular circumstance. Frankly, there does not seem to be any easy solution to this problem. Usually public opinion helps to resolve this type of problem if it drags out and is prolonged unduly. If a chief executive does not correctly assert himself in a situation such as this, through control of the enforcement machinery or other means, the Congress has at its disposal the appropriation process, the renewal of authority review, and the power of investigation.

The power to investigate is in theory a method by which the Congress obtains information on which to base legislation. Also, it tends to be a method by which Congress directs public attention to particular administrative situations and makes its views known to the administrators. This latter investigative purpose can, and often does, have a very salutary effect in bringing about remedial action in the administration of programs. There are other times, however, when the cleavage becomes even more pronounced if the investigation treads too heavily upon administrative toes. Some investigations have been known to get out of hand and some have undoubtedly been used for personal or group aggrandizement.

Investigations, by and large, serve a useful purpose in clarifying and resolving administrative difficulties. They also serve a worthwhile public service in ferreting out and exposing negligence or faults in administrative operations and in bringing to light any improper actions by administrative personnel. Congressional investigations, however, should not be used for the purpose of undertaking functions which properly belong to the executive or judicial branches of government.

Any survey of legislative-executive relationships in the administration of programs would be incomplete if note were not made of the unique role occupied by cabinet officers. By and large the cabinet, as a group maker of policy and executor of programs, has been whatever the President has chosen to have it be. In some administrations cabinet officers have wide latitude not only in handling their departments but also in determining policy. In others cabinet officers have little to say about policy and devote most of their attention to administrative matters.

Whatever the particular pattern may be at a given time, it is usually true that each department head stands on his own feet insofar as other department heads are concerned. He must fight his own battles and as a rule his colleagues do not rally to his defense. Each department head undoubtedly prefers to be free to promote his own legislative objectives in Congress. Sometimes the agency's program may not be in accord with the program of the President. This can lead to confusion, strife, and a loosely integrated program.

While agencies are required to clear proposed legislation and comments on proposed legislation with the Bureau of the Budget to determine whether the views of the agency are in keeping with the program of the President, agency officials who may not agree with that program are sometimes tempted to assert differing views when testifying before Congressional committees. Such testimony may be motivated by sheer courage, firm conviction concerning the point at issue, or may conceivably be prompted by less public spirited considerations. The reaction to such testimony may have varying repercussions.

Any candid discussion of problems in connection with the administration of programs must recognize the possibility of politics entering into the consideration of both branches of government. This is inherent both in our political system and in human nature. However, the very best kind of politics is to do one's job well. Obviously, no system made up of human beings is perfect.

Our system of checks and balances has worked well in this country—so well that we should exert every effort toward maintaining and preserving it. Whatever we do, whatever changes may be considered or made, should be within the framework of our fundamental philosophies.

In the final analysis, the relationship between the two branches of government in the administration of programs is influenced by personal relationships. These relationships will vary from time to time depending upon the individuals involved, and the nature of the issues at stake. Aside from the personal element, there are bound to arise differences of philosophy and point of view.

Over a long period of time, the tenor of the relationships will tend to strike an equilibrium if the forces of checks and balances are given full play. A temporary imbalance of executive-legislative relationships over the handling of programs does not justify discarding the system. Refinements and improvements can be made but we ought not to tamper with what the framers of the constitution wrought, for if we do the system may be weakened and controlling power concentrated permanently in one branch of government at the expense of another.

When viewed in the reflected light of history, what happens to a few individuals, what happens to somebody's pet program, and what happens to any agency is relatively inconsequential as compared to what may happen to the philosophy and principle of democracy if we try to alter the processes of free government for the sake of expediency. We must continue to hammer out our executive-legislative relationships in the forging of day to day contacts, keeping these relationships and the program being administered fluid, adaptable, and sensible.

LEGISLATIVE-EXECUTIVE RELATIONSHIPS IN THE ADMINISTRATION OF PROGRAMS AS VIEWED BY THE EXECUTIVE

EZRA TAFT BENSON*

THIS is a happy occasion for me. It gives me the opportunity to meet and talk with many of you with whom I have not had direct contact before. As you know, I have been meeting with my fellow employees as time permits, and I am looking forward to the day when I will have met and become better acquainted with all of you.

It is now a hundred days since I assumed my duties here in the Department of Agriculture. In these hundred days, my respect and admiration for the employees of this great Department have steadily increased. I say "increased", because I want to make it plain that long before January 20th, I had learned that this Department stands for something special in American life—and that its employees are exceptional both in capability and in their unselfish devotion to duty.

There is no other department of the government in which I would even have considered taking such a position as I now occupy—had it been offered to me. As I told the President, no salary in the world could induce me to take this job. But the possibilities for service presented by working alongside the devoted men and women of this Department—the potentialities for serving the welfare of agriculture and the well-being of all our people—these were the most important factors in my decision.

And I want you to know this: Despite the headaches and the heartaches—and I have had my share these past hundred days—I am glad to be here. With your support and cooperation we are going to serve American agriculture—and this Nation that we love—to the utmost of our ability.

I want to commend the Graduate School most sincerely for establishing these lectures in public administration. Through this series of lectures, we pay a richly deserved tribute to the memory of the late William A. Jump and I. Thomas McKillop. Each of these men exemplified the highest type of public servant—and what tribute could be greater? Each of them won distinction in discharging his immediate responsibilities; but more than that, they inspired many others to imitate them in constructive service to the American people. The kindly, persuasive influence of these two men is still felt not only throughout the Department of Agriculture—not only throughout the whole Federal Government—but it even extends widely among public servants in States, counties, and municipalities. Their lives prove that the *good* that men do *does* live after them. And again I ask: What tribute could be greater?

* Secretary of Agriculture.

In paying our respects to William Jump and Thomas McKillop, we are at the same time recognizing the high level of service rendered by all the competent and loyal employees of the Department of Agriculture. The honest, conscientious endeavors of these employees is the basic strength of this Department. That strength is of tremendous importance not only to our own Nation but to freedom-loving people everywhere in the world.

These are a few of the reasons why I am highly pleased to have the opportunity to take part in this series. It was suggested that I speak on the subject of legislative-executive relationships in the administration of programs. I am not going to approach this topic in a profound way. I am merely going to express some views which I feel are basic to successful administration in furthering our common task here in the Department—the task of serving agriculture and our Nation.

There is no need for anyone to review for this group such fundamental facts as the division of governmental authority among three groups: judges, legislators, and executives. Neither is there need to review the theory of separation of powers, the existence of checks and balances, and the basic concept that ours is a government of delegated authority. But I would like to point out that a system of government such as ours requires a high degree of cooperation, understanding, and mutual confidence among its various branches. This places a tremendous responsibility on the individuals who hold government positions—on the judges, on the legislators, and on the executives. They must respect and remain true to our constitutional system. Therefore, they must be men and women of integrity and unselfishness, always seeking to discharge their responsibilities in accordance with the principles they have pledged to uphold. They are in a sense the bridges that span the unavoidable gaps in our system of government. What they do ultimately determines whether or not the Constitution performs the functions for which it was established.

We should all have immense respect for our Constitution, the supreme law of the land. The great English Prime Minister, Gladstone, said of it, "The American Constitution is the most powerful work ever struck off at a given time by the brain and purpose of man." It is my own firm belief that it is even more than that. I believe that the God of Heaven raised up the founding fathers and inspired them to establish the Constitution. This is part of my religious faith. To me, therefore, this is *not* just another Nation. It is a great and glorious society with a divine mission to perform for liberty-loving people everywhere. To me it is a great honor and privilege to serve the government of the United States.

That places a grave responsibility upon us. It means that we, here in this privileged land, hold in our hands the best hope of mankind; and it will be our shame and disgrace before God and man if we allow that hope to wither and die. In fulfilling this concept of our common task, there is no substitute for integrity—nor for devotion to principle.

Our acts should of course be tempered by respect for the views of others. Granting a place for compromise, however, we should endeavor scrupulously to avoid the pitfall of shallow expediency.

The administration of programs is shared by the legislative and executive branches of our government to a far greater extent than is commonly realized. No sharp lines of distinction separate the respective spheres of the two branches. Policy, for instance, is formulated by both the Congress and the executive branch of government. The Congress decides what programs the government shall undertake and for what general purposes. But, important policy *decisions* are rightly left to the administrator, who is charged with the responsibility of carrying out the intent of Congress. In discharging his responsibility, the administrator is often confronted by complexities that are not easy to reconcile. For example, the intent of the Congress is not always clear, even in the light of the legislative history of a given act. These complexities, while at times disturbing and frustrating to the administrator, are inevitable in our governmental system. The common task is to minimize these complexities, and to strive earnestly to reconcile and surmount them.

Efficient organization is essential to good administration. Here, again, the legislative and executive branches of government share joint interest. The Congress usually determines the broad outlines of organization and, by specific action, grants authority to the executive to effect reorganization of the administrative structure. The Congress now has before it Reorganization Plan No. 2. This plan is designed to simplify and improve the internal organization of the Department. It would permit the establishment of a clear line of responsibility and authority from the President, through the Secretary, and right along throughout the Department. I believe this reorganization plan would make possible greater efficiency and smaller expenditures, and I trust the Congress will not disapprove it.

The staffing and personnel management of the administrative agency offer still another area of joint interest to both the legislative and the executive branch of our government. The Congress establishes the conditions of employment. Within those conditions, the administrator is responsible for necessary appointments, transfers, promotions, and supervision.

There is joint interest, also, in the establishment of standards of administrative action. The Congress rightly sets limits to administrative discretion and requires conformance to procedures designed to protect the public. The administrator, with the same end in view, finds in his day-to-day operations a need for setting up supplemental standards and procedures for administrative action.

In perhaps no other area of joint interest is there more pronounced concern than in the expenditure of money. The Congress grants permission to spend and specifies the amounts to be spent for prescribed purposes. It also requires an accounting of how money is being spent.

Hence, money problems are ever with the administrator. Not only does he bear the administrative responsibility for expenditures within the boundaries established by the Congress, but he must justify and defend, first before the Bureau of the Budget, and then before the Congress, his estimate of the financial requirements of his organization.

Finally, the Congress has the responsibility of over-all review in the administration of programs. It may call for information about any activity, and it may investigate the administrative performance of responsible officers. But this is not a function to be exercised solely by the Congress. The administrator himself is constantly reviewing, investigating, and appraising the activities for which he is responsible.

Obviously, then, neither legislation nor administration is exclusive of the other. Each, of course, performs certain tasks that are peculiar to itself; but even those tasks can be better performed if in the areas of joint interest there is real legislative-administrative teamwork. Now how do these observations apply to the Department of Agriculture? If our great purposes are to be achieved, there must be general accord between the Congress and this Department. I am strongly urging, therefore, that in dealing with the Congress we make a special effort to observe procedures and practices that will establish and maintain real teamwork.

The principles and practices that I hope will be observed by all employees of the Department of Agriculture can be briefly stated as follows:

1. We will recognize and respect the interest of the Congress in the administration of programs assigned to us. And we will not question the good faith of the Congress in its manifestations of that interest.
2. In the administration of our programs, we will observe the fact that, by constitutional provision, the final policy decisions of this government are made by the Congress. We shall strive forthrightly and honestly to carry out the decisions of the Congress. When we have suggestions or requests to make, or criticisms to offer, we shall take them to the Congress in good faith. And we shall stand ready at all times to respond to requests from the Congress for information or assistance that would strengthen the basis for decisions to be made by the Congress.
3. We shall respect the right of the Congress to know what this Department is doing at any time. We shall remember that the Congress is not only interested in receiving reports of our stewardship; it is entitled to them—and in time to act upon them. To this end we shall welcome constant and full consultation with the Congress. As some of you know, I issued a memorandum in late January directing Department employees to give representatives of the General Accounting Office, an independent arm of Congress, full access to all records and files, except those specifically prohibited by law or executive order. This is a continuing Department policy.

4. We shall exercise with care and equity the rule-making authority vested in the Department by the Congress. This authority will be used only in furthering the understood intent of the Congress.

5. When we make mistakes, we shall honestly acknowledge them and assume full responsibility for them. Certainly they are not to be blamed on the Congress.

6. We shall communicate to the Congress through appropriate channels our estimates of needs in order that we might more effectively carry out the responsibilities with which we are charged.

7. We shall strive always for the advancement of American agriculture in the public interest; and we shall carefully avoid all danger of serving as agents of selfish groups seeking special privileges.

8. We shall keep the welfare of the people—all of the people—uppermost in our minds at all times. The supreme test of our actions shall be: How will this affect the character, morale, and well-being of the people?

Observance of these principles and practices will, I believe, make for good legislative-executive relationships in our government system. The legislative and executive branches of this government consist of groups of sincere, hard-working men and women charged with heavy responsibilities. We must all work together to do our job effectively.

I think that most of the conflicts in legislative-executive relationships arise out of personality conflicts. I am hopeful—and determined—that such conflicts will not hamper the work of the Department of Agriculture. We, who are responsible for its work, need to know the members of the Congress and to counsel with them. In counseling with them, we must seek to develop common understanding, mutual respect, and good will. We shall go to them in the knowledge that within our respective spheres we have the same objective—a productive and prosperous agriculture—and that to achieve it we must work together every step of the way.

These principles and practices that I have just now summed up are in accord with the general statement on agricultural policy that we issued early in February. If some of you are unfamiliar with that general statement, I urge you to read it. It sums up the basic agricultural thinking of the present leadership of the Department and of the present Administration. It is based on deep thought—on personal experience—and on the opinions and conclusions of a wide range of agricultural leaders. It was reviewed by the National Agricultural Advisory Committee appointed by the President and by farm and agricultural leaders in Congress.

Let me quickly point out some of the fundamentals of our agricultural policy. We believe that our freedom is a God-given, eternal principle vouchsafed to us under our Constitution. It must be continually guarded. It is more precious than life itself. We believe that farm people are one of the Nation's strongest bulwarks for the preserva-

tion of freedom; and that we all need to work together—farmers, industry, and labor—to build as strong and stable an agriculture as possible so that farmers may make their full contribution to the national welfare.

We believe that the primary objective of agriculture is to provide consumers with high quality food and fiber at reasonable prices, while at the same time improving the productivity of basic land resources, and thus contribute to higher levels of human nutrition and living. We believe that in return for this contribution farmers deserve an income that will provide the opportunity for a constantly rising level of living fairly related to the living standards of other large productive groups.

We believe that our agricultural policy should aim at obtaining in the market place full parity of farm prices and income. We should use necessary government programs to achieve this aim—but we must also recognize that the objective cannot be won by government programs alone. We believe that the most important method of promoting the long-time welfare of farm people and the Nation is through adequate programs of research and education. It is through such programs that much of our past progress has come.

We believe that the development of modern agriculture has placed the family farm in a vulnerable economic position because farm prices and income rise and fall faster than farm costs and other prices in the national economy. Therefore, programs of price support and storage are needed to help assure stability of farm income and prices in the interest of all our people. We believe, however, that price supports which tend to prevent production shifts toward balanced supply in terms of demand, which encourage uneconomic production, and which result in continuing heavy surpluses and subsidies should be avoided.

We believe that the government should strive toward helping the individual to help himself, rather than on concentrating undue power in Washington. Many problems can be solved through individual and group action on the local level. Where Federal assistance is necessary, however, it should be rendered promptly and effectively. We believe that the principles of economic freedom are applicable to farm problems, and that our policy should emphasize improving the operation of free markets and the further development of domestic and foreign markets.

We believe that our guiding purpose in the Department of Agriculture should be to strengthen the individual integrity, freedom, and moral fiber of each citizen. We believe that the supreme test of any government policy, in agriculture or outside of it, should be: "How will this affect the character, morale, and well-being of our people?"

While I do have a definite agricultural policy in which I believe, I have no program of my own to offer. It is my conviction that farm programs are made, and should be made, in the Congress. Our job is to execute the laws and to administer the programs that the Congress

establishes as efficiently and effectively as we can. We shall always be ready to help the Congress by means of testimony, by presentation of factual material, and by such recommendations as are proper to the executive branch. But the making of farm programs is a legislative function, not an executive one.

Now, before concluding, I should like to talk to you for a moment about our own internal relationships. Ours is a task of far-reaching importance. Our efforts contribute to the health, happiness, and prosperity of the American people. Our work is a factor in the promotion of world peace. We have only to look on our day-to-day activities from this point of view to appreciate the vital need for teamwork among ourselves. We must have efficient organization, proper delegation of responsibility, coordination of programs, and continuing review of programs and operations. But underlying all of this, we must have what is most basic of all: mutual understanding, respect, and cooperation among ourselves.

I have pledged to myself that I shall not knowingly be outdone in cooperative attitude by anyone in this Department. It seems to me that since I want your cooperation, I must if possible outdo you in extending mine. When I came here I was told by some well-meaning friends that I could expect to find opposition, and possibly even disloyalty to me, among the employees. I did not accept that opinion then, and I reject it even more vigorously now. Let me assure you that just as I stand ready to acknowledge errors where they exist, I stand ready also to defend this Department and its employees against unfair criticism and attack wherever they may arise.

I realize that many of you may not agree 100 percent with all that we say and do. We don't want an assemblage of "yes-men" in this Department. You have minds of your own and the ability to make free and independent judgments. I feel sure that no employee would allow personal feelings or partisanship to exert such influence that he would consciously act to make the policies and programs of this Administration ineffective. That would be unworthy of any employee, and I feel inclined to be apologetic for even mentioning it. The only reason I do mention it is because I recognize that there may be some whose feelings on farm programs are so definite that *unconsciously* they might find it hard to give wholehearted support to new policies or programs. If this be the case, then, in fairness to themselves it seems to me that they should endeavor to place themselves in positions where they will not be so closely connected with programs and policies. I quite understand how this situation could exist, and I say to anyone in that situation that I will be sympathetic and helpful to the best of my ability. I appreciate frankness, and I love honesty.

We in the "front office"—as many of you call it—have no illusions about who and what makes the Department of Agriculture tick. You do. By you, I mean all of the thousands of employees in Washington and throughout this country, and those in foreign countries. You, the

employees, are the muscle and the bone, yes, and the brain as well, of this great Department. Part of our job in the front office is to direct in an over-all way, as we can, the vast array of talent, education, technical and professional "know how" that is assembled in this branch of the government. And to do even that effectively, we must rely heavily upon your advice and assistance. It is humbling, but it is also wholesome, for us to realize that we need the Department far more than the Department needs us.

Last week I gave a talk at Purdue University, and in concluding it I said something about human brotherhood, and that if we applied it in our personal lives most of our problems would disappear. I should like to say to all the employees of the Department that the one thing I want to see here, more than any other, is the better realization of this ideal of brotherhood. It would make *our* problems disappear. It would make this place an oasis in a world that sorely needs such an oasis. Brotherhood is not a theory to apply vaguely to people 10,000 miles away. It is a fact that applies especially and specifically to you and to me and to all our fellow employees.

Some of you, I know, are disturbed by the changes that are going on. We are striving for greater efficiency, and we are trying to reduce expenditures, and there are always uncertainties in such a situation. Let me assure you that we are endeavoring to make any changes as painless as possible. We do not envision any mass reductions in force. We want to give Department employees every possible assurance that we are not thinking about them in a cold, impersonal way. We do not want an atmosphere of fear in these corridors and rooms. We want cooperation—trust—brotherhood.

No organization in our Government is more justly esteemed by the American people than this great Department of Agriculture. On May 15, this Department will be 91 years old. For almost a century, a tradition of public service has been growing in and around it. We should all be very proud of that tradition. We should all feel a keen personal responsibility to help carry on the tradition and, if possible, to improve it. With the help of a kind Providence, it can and will be done.

